



Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 603rd MEETING*

Held at the Palais des Nations, Geneva,
on Thursday, 20 January 2000, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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Initial report of Armenia

* No summary records were issued for the 600th to 602nd meetings.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-40447 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6)(continued)

Initial report of Armenia (CRC/C/28/Add.9) (HRI/CORE/1/Add.57, CRC/C/Q/ARM/1 (list of issues); written replies of the Government of Armenia to the questions raised in the list of issues (document without a symbol))

1. At the invitation of the Chairperson, Mr. Martirosian, Mr. Kazhoyan and Mr. Nazarian (Armenia) took places at the Committee table.
2. Mr. NAZARIAN (Armenia) transmitted to the Committee a message of goodwill from the First Lady of Armenia, further to her letter of September 1999 to the previous Chairperson. In addition to a number of laws enacted since his country's ratification of the Convention in 1992, a Human Rights Commission had been set up, and Parliament had passed a bill establishing a National Commission on the Rights of the Child. Despite the grave consequences of the earthquake that had devastated the country in December 1988, and the massive influx of refugees from Azerbaijan in the late 1980s and early 1990s, the Government had assigned high priority to the implementation of the Convention.
3. Mr. KAZHOYAN (Armenia) said that, despite post-independence problems - the earthquake, the economic blockade and the difficulties inherent in the transition to a market economy - Armenia had remained faithful to the value it attached to families and children, for whose protection the Government was doing its utmost to create a legislative and practical framework. It had received valuable support in that endeavour from local agencies and non-governmental organizations (NGOs), international organizations and United Nations agencies, especially the Office of the United Nations Children's Fund (UNICEF) in Erevan. UNICEF had included all the relevant ministries, NGOs and United Nations agencies in Erevan in its annual meeting to review its activities.
4. His delegation attached great importance to its discussion with the Committee members. Prior to its departure for Geneva, it had issued a press release about its appearance before the Committee. The Government would publicize the discussion with the Committee and the Committee's concluding observations, in order to inform Armenian society of its achievements and difficulties in enforcing children's rights.
5. The CHAIRPERSON invited the Committee members to put questions to the delegation on the first three sections of the list of issues (CRC/C/Q/ARM/1).
6. Mrs. SARDENBERG welcomed the timely presentation of Armenia's report and written replies, which had been drafted in a spirit of frankness and modesty. Unfortunately, the drafters had produced only three chapters, failing to follow the guidelines, whose purpose was to furnish the Committee with information on all relevant areas. The written replies had also overlooked certain fundamental areas, which hindered the Committee in its task of assessing, in addition to child-rights policy, the way in which those rights were exercised.

7. Despite the problems involved in Armenia's transition to a market economy, exacerbated by the 1988 earthquake which had caused the displacement and homelessness of many inhabitants and the destruction of much of its industrial capacity, she had noted positive trends. The country's growth rate had increased, it had ratified the six major international human rights instruments and it submitted reports regularly to the treaty bodies. Also worthy of note were the adoption in 1996 of the Rights of the Child Act, the establishment of the Human Rights Commission by Presidential Decree, the translation of the Convention into Armenian, the signing of the Declaration that had emerged from the World Summit for Children, and the decision to set up a National Commission on the Rights of the Child and establish an ombudsman's office, concerning which she would appreciate further information.

8. She asked whether the impact on children of the Rights of the Child Act had been evaluated in the four years since its adoption. Inasmuch as the report had not covered general measures of implementation, she would like to know the impact on implementation efforts of the Presidential Decree establishing the various areas of competence within the relevant ministries. As the Human Rights Commission appeared to be a Government body, she wondered whether there was a conflict of interest regarding its task. She also wished to know whether the National Commission on the Rights of the Child had actually been set up, and, if so, with what composition, budget and specific objectives, within whose remit it fell, and whether it possessed a coordination mechanism.

9. Mrs. KARP asked what proportion of international aid was earmarked for children's issues, whether any decision had been taken to allocate a particular percentage for the promotion of children's rights and what appropriations had been set aside for children's issues other than education and health. She would appreciate information about changes which the new legislation and regulations referred to in the written replies had brought about in day-to-day life and practice, whether they reflected the principles enshrined in the Convention and whether they provided guidance for people working with children - not only teaching staff, but also social and other workers.

10. Mrs. TIGERSTEDT-TÄHTELA noted that health expenditure had declined from 2.7 per cent to 1.1 per cent between 1990 and 1995 and that the percentage of the budget spent on education had also been reduced. She asked how expenditures on child-related activities were coordinated and how the authorities implemented article 4 of the Convention concerning allocation of resources to activities concerned with economic, social and cultural rights. She would also like to know whether there was planning for expenditure on action related to children's rights or any intention to increase it. Were any legislative measures foreseen to improve what appeared to be an outmoded administration of education and health services?

11. Ms. RILANTONO, while acknowledging Armenia's efforts to cope with its myriad problems, said she was disturbed to note that the unemployment rate was 50 per cent; that state of affairs could only increase school drop-out statistics, reduce health-service coverage and quality and hamper efforts to increase the education budget. Endorsing Mrs. Karp's remarks, she asked whether Armenia had a national plan for rescheduling its budget allocations to address children's rights, which was a multidisciplinary area involving health, education and juvenile justice. She would also like to know whether cooperation with NGOs was envisaged within the framework of the National Commission on the Rights of the Child. Despite claims that there

were no child-related NGOs in Armenia, there must be social welfare agencies with a potential role to play in the area of children's rights; such bodies should be represented on the National Commission on the Rights of the Child.

12. Mr. RABAH, referring to Mrs. Rilantono's remarks, asked whether the relevant ministries maintained contacts with child rights agencies, what mechanism existed for coordination with such agencies and whether there was a specific plan of action to ensure the exercise of children's rights in the new decade.

13. Mrs. MOKHUANE asked how the provisions of article 4 of the Convention were implemented in terms of budgetary allocations, given Armenia's difficult economic situation. She also inquired about the Government's relationships with NGOs, whether it planned to involve NGOs in implementation of the Convention, what policies were in place to monitor treatment of children receiving alternative care and what training was available to people working with children.

14. Mr. DOEK said that the conference held in Armenia in 1998 to mark the fiftieth anniversary of the Universal Declaration of Human Rights had concluded that there were no specific mechanisms in Armenia for incorporating the provisions of international human rights instruments into national human rights legislation. He would like to know whether there had been any recent developments in that regard. He would also appreciate information about the results of the 1994 mission of the Office of the High Commissioner for Human Rights to provide assistance to the Government of Armenia in drafting a national plan of action for human rights.

15. Regarding the definition of the child, the report stated that the minimum age for marriage was 17. He would like to know whether that meant that no one under the age of 17 could marry, even with parental consent. Clarification would also be appreciated of the figure given in the written reply to question 3 for the total number of children under 18. If the figure of 275,626 was correct, that meant that children under 18 represented only 7 per cent of the population, which was a disturbingly low level. The report stated that the age of criminal responsibility was generally 16 but that children aged 14 or 15 could be held responsible if they committed serious crimes. He would like to know how the law regarded children under 14 who committed crimes. He also asked whether the Criminal Code was applied to minors over the age of 16 or whether a separate juvenile criminal code existed.

16. The information given on general principles in the report was encouraging. He enquired whether there were councils in schools and care institutions which involved children in the decision-making process.

The meeting was suspended at 10.50 a.m. and resumed at 10.55 a.m.

17. Mr. MARTIROSSIAN (Armenia) said that, having been a teacher for 15 years and as the father of four children, he had a personal as well as an official interest in children's issues. His delegation might not be able to give complete replies to all the questions put by members of the Committee because, since the collapse of the Soviet Union, the country had been going through a period of transition. The process of establishing a new system was complicated by the fact that

vestiges of the old system, including an attitude of inertia, still existed. The country's problems had been compounded by other factors, such as earthquakes and unemployment, in isolation from which it was impossible to consider children's issues.

18. There was no budget allocation specifically for child-related issues in Armenia. However, resources were allotted to other sectors, such as health, education and humanitarian assistance, which had an impact on children. The needs of families with children were also taken into account by his own ministry, the Ministry of Social Welfare.

19. Laws already existed on the rights of the child, but they were considered inadequate. The Ministry of Social Welfare, which dealt with issues affecting women and children, was in the process of drafting more comprehensive laws to ensure that the country's obligations under the Convention were fulfilled.

20. The Government attached great importance to its relations with NGOs, as attested by the programmes it was carrying out jointly with UNICEF. A number of NGOs were active in the area of children's issues in general, although none dealt specifically with the rights of the child. The Government planned to give continued support to such NGOs in the future.

21. Mr. KAZHOYAN (Armenia), referring to a remark by Mrs. Sardenberg, said that the Government had not been aware of the Committee's guidelines until after the submission of the report. The report had been prepared by five Government ministries, but without NGO involvement. A large number of NGOs had become established in Armenia since independence. There had been a period of antagonism between NGOs and the Government, but relations had since improved. NGOs would be invited to participate in the preparation of the second periodic report, which was already under way, and they had contributed to the preparation of the written replies to the list of issues for the current meeting.

22. Despite the absence of specific legislation thereon, most of the requirements of the Convention had been incorporated into the Constitution and other laws and regulations. On being elected in 1998, the President of Armenia had issued a decree establishing a Human Rights Commission. Despite its shortcomings the Commission was an important body dealing with a full range of human rights issues, including the rights of the child. Its most important work to date had been the drafting of a law on the establishment of an ombudsman, which had recently been presented to the National Assembly for consideration.

23. The bodies responsible for children's rights issues were the Administration for Women and Children's Affairs of the Ministry of Social Welfare, a department of the Ministry of Internal Affairs which deal with child care and the Gender Commission, which dealt with women's issues and some children's issues. However, the Ministry of Foreign Affairs had recently begun a procedure for establishing a Government body with specific responsibility for children's rights. It was not yet clear how the new body would function, but the matter was shortly to be discussed, at the first meeting of an expert working group comprising representatives of Government agencies, the international community and NGOs working in the area of children's issues. Many unsuccessful attempts had been made in the past to set up such a body; he hoped that the current discussion with the Committee would serve as an impetus to make the latest attempt a successful one.

24. In reply to a question by Mrs. Karp, he said that all new legislation entered into force the day after its publication in the official newspaper of the National Assembly.

25. A significant factor which had impeded progress in implementing the Convention was the country's difficult economic situation; it had been improving over the past few years, but the process was still slow. Since independence, the large Armenian Diaspora had provided substantial aid to the country in many different fields, including children's issues. For example, the relief fund of the Armenian Apostolic Church had helped to finance centres which had all but eradicated the problem of homeless children in Erevan. In the case of a child who had a family, the centres held discussions with the parents before returning the child to them; children who had no family were placed in children's homes financed by the Government and donor organizations. Armenia also received assistance from other countries; for example, the Government of Argentina had provided financial assistance to rebuild a secondary school in Erevan, and the British Embassy had helped to arrange computer classes for the inmates of a juvenile offenders' institution in the capital. Many organizations and institutions, both Armenian and foreign, had contributed to the provision of training in children's rights issues for teachers and health-care professionals.

26. Special programmes to address issues affecting disabled children had been launched by the Government, with the help of relevant NGOs. Disabled children had always been taught in separate schools to date, but attitudes in that regard were gradually changing.

27. Replying to Mr. Doek, he said that a programme aimed at establishing a national plan of action for human rights was due to be elaborated in 2000, in cooperation with the Office of the United Nations High Commissioner for Human Rights. The programme would also include training of staff members of Government agencies and other human rights bodies, in order to give them a better understanding of how the international human rights instruments should work in practice. A seminar on elaborating a national plan of action for human rights had recently been organized by the Ministry of Foreign Affairs, and the participants' conclusions were to be published shortly.

28. Although the minimum age for marriage was 17 years, children of 16 were able to marry with parental consent. Changes would be made in the legislation in order to deal with such inconsistencies. However, no child under 16 could marry.

29. Replying to a question by Mr. Doek, he said that the figures given in the written reply to question 3 referred not to the total number of children under 18 but to the number of children in families receiving benefits.

30. Information regarding the application of the Criminal Code to children had been provided in the report. The Abovyan educational and labour colony for women and juvenile offenders had achieved considerable success in rehabilitating its inmates.

31. Groups such as school councils enabling children to participate in the decision-making process were becoming more common, although much remained to be done in that area. Examples of such councils in European schools were being studied to see whether they might be suitable for Armenia.

32. The CHAIRPERSON invited the members of the Committee to ask questions on civil rights and freedoms and family environment and alternative care.

33. Mrs SARDENBERG said that one of the main tasks facing Armenia was to change society's attitude towards children to achieve a more democratic perception of their rights. The Presidential Human Rights Commission and the National Commission on the Rights of the Child must bear political weight and have a positive impact on the situation of children.

34. She asked whether it would be possible to accelerate the official registration process for NGOs, which was apparently very complex and time-consuming. Given the progress made in relations with NGOs, it was important to use the Convention as a political tool for the integration of civil society into the process of implementing human rights in general and children's rights in particular. With regard to the national plan of action, it was important to consider the possibility of setting up a campaign to integrate all the activities conducted and to send a strong message to the general public.

35. She stressed the importance of providing an appropriate definition of the child, in accordance with article 2 of the Convention. No reference had been made to the question of discrimination against the girl child. She would like to know the exact position of women in Armenian society. Were they able to participate in politics, were the authorities working to improve their situation, and were disaggregated data available on subjects such as the enrolment of girls in schools?

36. It was important to establish whether illegitimate children were subject to discrimination or whether they had the same rights as all other children. Very few examples were provided of the implementation of article 12 of the Covenant relating to the participation of children. Although a legal basis for children's participation existed, it had not been made clear whether appropriate mechanisms had been established in schools. As it had been stated that Armenian society was centred on the family, she asked what was the reaction of families to the idea of children's participation in areas affecting them. On the whole, the new legislation, which complied with international human rights instruments, appeared to contradict the reality of a traditional society. That being the case, she asked whether consideration had been given to integrating sectors such as the schools, church, Parliament and local communities into the implementation process.

37. Mrs KARP asked what percentage of international aid, including that provided by Armenians living abroad, was devoted to children's programmes. She would also like to know what infrastructure had been provided for children's complaints against parental abuse. Did the office of ombudsman, include a special unit responsible for children, and were there committees or lobby groups in Parliament which dealt with children's issues?

38. In the light of the reference made to the inertia of the authorities working with children, it was important to ascertain what guidelines and model codes of practice existed for the implementation of the general principles of the Convention. The inclusion of guidelines in areas such as guardianship and the placement of children, for example, would enable those working with and for children to consider their activities from a different point of view.

39. Referring to the right to personal integrity, she said that Armenian legislation included provisions on abuse, ill-treatment and torture. Armenia had also ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The written replies stated that no cases or complaints of torture or ill-treatment against minors had been recorded. However, the question of police brutality, especially during pre-trial detention, had been raised by certain human rights groups. She wondered in that connection whether a distinction was made between acts of brutality against adults and those committed against children. Was the absence of complaints a matter of children not daring to complain, or of complaints not being properly investigated? Information should be provided, as a matter of urgency, on Armenia's policy on the protection of children from police brutality.

40. Regarding the related subject of abuse in welfare institutions and within families, she noted that Armenia lacked official machinery to monitor or prevent child abuse. The written reply to question 16 stated that the issue of child abuse was alien to Armenian social consciousness because it contradicted moral attitudes regarding the status of children in the family and society. That statement should be clarified, as irrespective of the manner in which it was interpreted, the reference to morality gave cause for concern. Did Armenia plan to develop the relevant mechanisms for monitoring and receiving children's complaints?

41. In conclusion, she asked whether the Armenian authorities had taken steps to implement the recommendation of the Committee on the Elimination of Racial Discrimination to enact legislation to combat racial incitement.

42. Mrs. RILANTONO welcomed the future National Commission on the Rights of the Child and said that the proposed multisectoral approach was a sound one. She suggested that a working group should be set up to prepare the strategy for the National Commission, with the assistance of NGOs.

43. The report stated that women received equal pay for equal work but in general did not have the same professional opportunities as men and were often relegated to menial and low-skilled jobs. In addition, a report issued by a women's group had stated that 73 per cent of officially registered unemployed people were women, contrary to the 1992 Employment Act, which prohibited discrimination against female workers. She asked whether such discrimination began in girlhood.

44. No information about birth registration had been provided in the report. Were activities conducted to create awareness of the birth registration process? She would also like to know whether a national censorship body existed to prevent the dissemination of harmful information through violence and pornography.

45. Mr. RABAH requested clarification of the written reply to question 9, which stated that increasing numbers of Armenian children were living away from their families and that most of those children were in the care of special organizations such as children's homes, boarding schools and clinics. Additional information regarding the mechanisms used to run such institutions would be welcome. Did NGOs have a role to play in that area? He also asked whether the concept of the foster family, as an alternative form of family care, existed. Similarly, the written replies stated that children belonging to national minorities enjoyed exactly

the same rights as Armenian children and were not discriminated against in any way. Were statistics on children belonging to minority groups available in relation to the health and education sectors? He would also like to know whether children had the right to express their views in schools and within families, and, in the event of separation of the parents, whether they were able to be heard in court.

46. Mr. DOEK said that the committees responsible for guardianship, foster care and adoption at local and provincial level were apparently no longer functioning. He drew attention to the importance of such committees in assessing family situations prior to ordering formal foster care and adoption. He would appreciate further information regarding financial problems in relation to guardianship. The attitude of Armenian society towards inter-country and national adoption appeared to be ambivalent, despite the existence of a committee of deputy ministers responsible for such matters. It had been stated that adoptions were shrouded in secrecy due to the stigma attached to them. Were any efforts being made in that regard?

47. As of August 1998 over 200 children in State-run institutions had been de facto parentless. What was being done to provide foster care and adoption procedures for those children, given that institutional care should be reduced to the shortest possible period?

48. Mrs. TIGERSTEDT-TAHTELA, asked whether children had the right to establish their own organizations. At the municipal level, were authorities responsible for children's issues elected by local people, and were the committees responsible for guardianship elected or appointed? In that connection, she asked whether children participated at the municipal level. It had been stated that Armenia was encountering very difficult environmental problems, she wondered whether children had the right to express their views on such matters.

The meeting was suspended at 12.05 p.m. and resumed at 12.15 p.m.

49. Mr. NAZARIAN (Armenia), referring to discrimination against women, said that half the members of the governmental Gender Commission were women, as were 30 per cent of the members of the Presidential Human Rights Commission. The church and the Government maintained a constructive dialogue. Given the traditional role of the church in the history of Armenian statehood, a number of relief organizations were active, and the Government tried to promote such activities by directing relief to the areas in greatest need. With reference to the apparently complex process of registration for NGOs, he said that over 1,700 such organizations existed in Armenia, a very large number for a nation of 3 million people.

50. Mr. MARTIROSSIAN (Armenia) said that there was no discrimination in practice against women or children in Armenia. The fact that 70 per cent of officially registered unemployed people were women, was a manifestation not of discrimination, but of a lack of competitiveness in the employment sphere on the part of women. Women should therefore be given assistance to enable them to improve their qualifications and obtain jobs.

51. Illegitimate children actually had greater social rights and privileges than ordinary children. Similarly, single-parent families received extra State assistance. Concerning national

minorities, the Russian, Ukrainian, Kurdish and Assyrian communities in Armenia all had their own schools and the opportunity to develop their cultures through the existence of associations and the provision of budgetary resources.

52. The Government had recently introduced a new adoption regime including the establishment of an adoption commission, of which he was a member. Although orphanages existed, the aim of the Government was to direct parentless children into families, and that effort had been meeting success. Following the earthquake, a children's colony had been started with the assistance of a German organization.

53. The complaints procedure for children to lodge complaints about abuse was new in Armenia, which explained the absence of qualified personnel in that field. To date, the institution traditionally dealing with children's problems had been the family. The family and community at large placed the child at the centre of their concerns, and the State attached the highest priority to children's welfare.

54. He acknowledged the need to disseminate information on the Convention to the public and to seek its opinion in that regard, an issue which the Government planned to address.

55. Mr. KAZHOYAN (Armenia) said that of the 1,700 registered NGOs in Armenia, approximately 50 specialized in women's rights and about 25 in children's rights. The workload connected to world summit follow-up meetings was usually too heavy for a new State, especially considering the frequency with which summits were held. However, the country would be in a position to give attention to the 2001 follow-up meeting to the World Summit for Children.

56. Considerable information about the rights of the girl child was contained in Armenia's initial report to the Committee on the Elimination of Discrimination against Women (CEDAW/C/ARM/1), including disaggregated data relating to girls and boys. However, it should be said that Armenians did not discriminate between boys and girls: for them, a child was a child. No cases of abuses against girl children had been reported. The fact that the Armenian delegation consisted solely of men was irrelevant; in fact, it enjoyed the strong support of women's rights NGOs.

57. A problem remained, however, in that only five women had been elected in the latest National Assembly elections. Regrettably, Armenia had no women ministers, although there was a small number of female junior ministers. In the municipal elections held in December 1999, only 4.7 per cent of those elected had been women, a low figure considering that 64 per cent of Armenian women were university graduates, 35 per cent of faculty members in institutions of higher learning were women and up to 90 per cent, in some cases, of the staff of educational and health institutions were women.

58. Regarding children born out of wedlock and the children of minority groups, each child was accorded equal treatment irrespective of his or her social, ethnic or religious affiliation. Concerning child-rights education, although there was a lack of textbooks on the subject, human rights education was firmly established in schools. Greater emphasis was placed on human

rights education in institutions of higher learning, such as the police academy, which had introduced a special human rights course and a course on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

59. With regard to Mrs. Karp's question on international assistance, as his delegation had no figures on allocations to activities for children, it was difficult to establish a proportion. For practical reasons, assistance received from international financial institutions was usually earmarked for specific programmes, but assistance from donor countries, channelled through UNICEF, was oriented towards women and children.

60. Children were free to lodge complaints about child abuse, although no such cases had been recorded. Freedom of the press had brought about the removal of taboos, and there was no doubt that any cases of abuse or violence committed against children would have been reported by the press and NGOs. If children did not avail themselves of their right to report abuse, parents or legal guardians could do so. Cases of police brutality had been reported and prosecuted, and those found guilty had been punished. However, no cases of police brutality against minors had been reported.

61. There had been extensive discussion among NGOs and in the National Human Rights Commission, which represented national minority groups, about the establishment of an ombudsman. Two possible models had been suggested: an ombudsman dealing with a range of issues or, following the Swedish model, a separate ombudsman for each issue. The Government had chosen the first option. It had been agreed that the ombudsman should enjoy the trust of the public and be a person of sound moral standing.

62. The provisions of the Convention had been incorporated into domestic legislation, even to the extent of some of its wording being replicated.

63. Only a few minor cases of corporal punishment had been reported, as parents and teachers rarely thought of administering it. With the inflow of technology and information into the country, the situation had been changing, although disapproval of violence against children had generally remained strong. Under the Criminal Code, parents could be deprived of their parental rights if they committed acts of violence or abuse against their children, in keeping with the traditional view that the child was central to the family unit. He hoped that outside influences would not alter that traditional moral stance.

64. Armenia had a long-standing tradition of adoption owing to a tragic history which had begun with the genocide of Armenians under the Ottoman Empire. Recent events such as the earthquake and the massacres of Armenian populations in Azerbaijan had left many children orphaned. The Government's policy was to place children in adoptive families or foster care wherever possible, although economic problems frequently rendered foster care difficult for many families.

65. Although the Government was able to control the adoption procedure at the national level, the situation was more complex when it came to adoptions of Armenian children abroad. However, criteria existed governing inter-country adoptions, including the provision of proof of financial standing. Replying to Mr. Doek, he said the decision to keep adoption secret from the

child and the community remained the prerogative of the adoptive parents, and the adoption authority abided by that decision. Fortunately for the children concerned, however, it could not be said that there was any stigma attached to adoption.

66. The budget of the Human Rights Commission was an important issue which would be discussed in the near future, since the Commission was expected to start operating within the next year. Regarding child pornography, although no censorship body existed, the dissemination of pornographic material to children was punishable under the Criminal Code. Replying to Mr. Rabah, he said that no child had so far been allowed to testify in his or her parents' divorce proceedings.

67. With regard to national minorities, a Council of Europe delegation, which had visited Armenia when the latter had been seeking accession to the Council, had assessed the minority situation in the educational, social and political spheres and had made no reference to violations of the rights of minority children. However, problems arose with regard to instruction in minority languages. Instruction was offered in only two minority languages to date, with assistance from the State and the authorities of the communities concerned. Other minorities which were more dispersed encountered greater problems, but many of their children attended Sunday or weekend schools.

68. Replying to Mrs. Tigerstedt-Tähtelä, he said that children were able to establish their own organizations, which tended to be of a cultural and sports-oriented nature.

The meeting rose at 1 p.m.



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SUMMARY RECORD OF THE 604th MEETING

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on Thursday, 20 January 2000, at 3 p.m.

Chairperson: Mrs. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Armenia (continued)

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GE.00-40458 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Armenia (CRC/C/28/Add.9); (CRC/C/Q/ARM.1; Written replies of the Government of Armenia to the questions on the list of issues, document without a symbol distributed in the meeting room) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Armenia resumed their places at the Committee table.
2. Mr. KAZHOYAN (Armenia) said that acts of violence against children were punished under the Penal Code and Civil Code, but were not covered in a specific legislative text. Although no cases of ill-treatment had been brought to the authorities' attention so far, they would not hesitate to develop appropriate provisions if such a need were to arise.
3. Some 98 per cent of births took place in hospitals and were entered in the civil register. The proportion of women who preferred to give birth at home, either for financial reasons or out of personal preference, was very low. Cases where financial difficulties drove families to hand their children over to specialized institutions were rare, but when such cases arose the children most often returned to their families once the situation improved. However, the number of children living away from their families was on the increase in Armenia and the authorities were aware of that trend.
4. Lastly, children in schools took part in decisions concerning them.
5. The CHAIRPERSON invited the members of the Committee to ask the Armenian delegation questions on health, education and leisure.
6. Mrs. RILANTONO asked for further information on the means used to correct food deficiencies among pregnant women, given that anaemia during pregnancy was an important factor in infant mortality. She noted with appreciation that breastfeeding was widespread and encouraged in the country. On the other hand, the statistics on the numbers of teenage pregnancies, maternal mortality and the abortion rate were disturbing. It would be useful to know what the family planning policy was, and whether partial privatization of health services was being considered given the threat which the current economic difficulties posed to the free health-care services provided by the public health system.
7. Mrs. MOKHUANE requested additional information on the means used to guarantee proper nutrition for Armenian children. She asked whether information was distributed about contraception, as there appeared to be excessive recourse to abortion. Were the authorities thinking of launching a campaign on prevention of sexually transmitted diseases? What social benefits - such as sickness insurance - were provided for the unemployed and the most disadvantaged people? How was dental care paid for?

8. She would like to know how the Government intended to counteract the negative effects of environmental pollution on children's health, which measures it generally used to promote health and whether there were specific measures covering teenage health.
9. Mr. RABAH asked whether there was a control mechanism for the specialized structures which cared for children who had no family and whether NGOs played a role in managing them. In addition, would it be possible to obtain figures on the number of children living and working in the street, on children's actual work situation and on the school drop-out rate in Armenia?
10. Mrs. SARDENBERG asked for confirmation of the Government's stated intention to accede to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.
11. The fact that there was no de jure discrimination in Armenia - as the legislation prohibited all forms of discrimination - unfortunately did not mean that no de facto discrimination against children existed. The authorities should, in particular, look into the discriminatory treatment received by girls in a number of spheres.
12. The current trend - also noted in Armenia - was to integrate disabled children into the normal school structures, but it was essential for such a policy to be backed by the appropriate funding. There were nearly 10,000 disabled children living in specialized institutions, and it was alarming to note that more and more children from severely disadvantaged families were being accommodated by such structures. In that connection, was it true that half of the Armenian population was living in poverty? What was the situation regarding the closing of numerous children's homes as a result of the structural adjustment policy followed by the country? Lastly, she urged the Armenian authorities to establish a body to which abused children could turn for help.
13. Mr. DOEK asked whether measures were being planned to address the ignorant about health matters of children leaving school. Some 70 per cent of abortions, a disturbing proportion of which involved minors, were allegedly performed illegally. Could the delegation provide clarifications in that regard? How did the Government intend to combat the increase in sexually transmitted diseases?
14. The situation with regard to education was extremely disturbing: school attendance had decreased sharply, the school drop-out rate was on the rise and teachers were extremely badly paid. Armenia having signed an agreement with the World Bank concerning a loan to run through 2001, was the Government considering requesting aid from other international bodies such as UNICEF or UNESCO? The increase in the number of street children was alarming, accompanied as it was by a rise in crime. Was it true that children were forcibly enrolled in the army? If so, how old were such children and how did the Government plan to put an end to that situation?
15. Given that there was no specific legislation or special court for juvenile offenders, he asked what was the difference of treatment between children under 16 and over 16, which was the age of criminal responsibility, whether the Penal Code applied to minors in the same way as

adults and how juvenile offenders under 14 were treated. Did minors receive specific legal assistance? Did social welfare organizations have free access to prisons, especially rehabilitation camps? Was there a recourse procedure for ill-treatment?

The meeting was suspended at 3.40 p.m. and resumed at 3.50 p.m.

16. Mr. MARTIROSSIAN (Armenia) said that the Government had set up a system for accommodating homeless children who were without families or who had a physical or mental disability. Since the break-up of the Soviet Union, NGOs had provided assistance in establishing care institutions. As they lacked funds, charitable organizations assisted them through donations of food clothing and equipment. Such institutions would not be closed until a new system had been put in place, as the State was the institution primarily responsible for the care of such children.

17. Street children represented a new problem, of limited scope, in Armenia. With the participation of UNICEF, the Government had launched a project aimed at reintegrating homeless children into the school system through the services of social workers. Concerning crime by street children, the objective was to return the children to their families or place them in a children's home as soon as possible, to avoid punishment exposing them to even more harmful influences.

18. In the framework of the new juvenile justice system, one body was in charge of children under 14 who had committed offences. The school and the local authorities worked together in that area.

19. He agreed that there was a nutrition problem in Armenia, especially concerning children. Various international organizations were helping to launch awareness-raising campaigns and ensure that the population, especially young children, received proper nutrition.

20. There was as yet no family planning policy in Armenia; however, the abortion rate was very low. With regard to sickness insurance, before the break-up of the Soviet Union health-care costs had been borne by the State, but large-scale changes and reforms had taken place since then and a system of paid health care had been added to the public system. The Government was planning reforms, in particular the establishment, within the current year, of interministerial working groups in charge of preparing draft legislation. Armenia intended to enact the required laws and mechanisms in that area, based on the systems used in other countries, but its poor economic situation did not give much cause for hope in the next few years.

21. Schoolchildren continued to receive classes in basic health care, and the Government was providing support to schools in a difficult financial situation, with assistance from IMF.

22. Maternity care was in principle free of charge. The Government had resources in that area, even if doctors' salaries were low. However, maternity care did occasionally have to be dispensed on a paid basis. A system had recently been introduced whereby free medical care (funded through the national budget) had to be provided in separate hospitals from those dispensing paid care. The approximately 55 per cent of very poor people in the country would continue to use the free public hospitals.

23. Child labour was a problem principally found in agriculture, where children from 7 to 10 years old were traditionally used for certain types of farm work. The problem had not yet been resolved, but it was not regarded as exploitation in the generally accepted sense of the term, as the children involved were working for their parents.

24. Ms. GEVORGIAN (Armenia) said she agreed that the Government should devote more attention to sex education for children. A sexual health unit had been established the year before, and sex education would be introduced into the school curricula in 2000. The Government was in the process of preparing sex education manuals.

25. The rate of suicides among young people was very low (0.003 per cent).

26. The criminal courts tried juvenile offenders aged 14 and above. Pre-trial detention of minors took place for only the most serious offences, and a minor could not be held in custody for more than 72 hours. Convicted minors were placed in the Abovian labour rehabilitation camp. The Government did everything in its power to provide them with the best possible conditions of detention and authorized representatives of NGOs to visit the establishment. Children in prison followed conventional school curricula (education was mandatory), took part in manual work and were able to learn a trade.

27. Mr. KAZHOYAN (Armenia) said that breastfeeding was on the rise and that there was a law prohibiting advertisements for milk replacement products. Information campaigns on family planning, aimed at women and families, had recently been launched, but contraception had to be paid for and some families could not afford it.

28. Armenia had not yet developed a nutrition policy, but a social programme and activities by various organizations were aimed at combating child malnutrition.

29. The most disadvantaged families received family allowances and other child support benefits.

30. The Government intended to ensure free medical care for children through the age of 8, and even through the age of 16 for certain illnesses. Dental care was now dispensed on a paid basis, but the State had taken the initiative of opening a free dental hospital for children, with support from the United States Government.

31. Environmental pollution had been a very serious problem at the end of the 1980s, but many polluting factories had since been eliminated and a strict policy had been introduced.

32. Regarding street children, the programme being conducted jointly by the Department of Juvenile Justice of the Ministry of the Interior and the Church of Armenia aimed at restoring children's homes and carrying out a campaign for the eradication of the problem. Most of the children in question returned to their schools and families; the remainder were placed in children's homes.

33. Education was mandatory for eight years. A recent study had shown that illness was not the chief cause of dropping-out of school; some children stopped going to school in order to help their parents by doing farm work, but that was a seasonal problem.
34. Armenia was currently in the process of acceding to the 1993 Hague Convention concerning international adoption.
35. No cases of sex discrimination had been reported. The Armenian people were not at all concerned about the respective percentages of women and men in the different sectors of social life.
36. None of the annual reports of the various organizations contained any reports of violence against children or child abuse.
37. With the support of various organizations, the Armenian Government had undertaken a programme on education for all, aimed in particular at guaranteeing access to school canteens for all pupils without discrimination. It had also launched a safe motherhood programme with the support of UNICEF, which had resulted in a significant drop in the infant and maternal mortality rates.
38. The anatomy textbooks contained sections on health, but there was a definite need for further development of health issues. The age at which sex education should begin had not been determined. There were illustrated texts on the subject, but it was still regarded as taboo in child-parent and pupil-teacher relations.
39. Armenian citizens were required to perform a two-year period of military service beginning at age 18. There was no forced recruitment below the age of 18.
40. The CHAIRPERSON invited the Armenian delegation to reply to the questions asked by the members of the Committee concerning the privatization of health services, free hospitalization through the age of seven, AIDS, measures to improve the health services, control mechanisms for institutions where children were placed, the high number of closures of children's institutions and the possibility for children's agencies to lodge complaints on behalf of institutionalized children.
41. Mr. MARTIROSSIAN (Armenia), referring to the privatization of the health services, said that the reform in progress was aimed at keeping in the public sector a number of free hospitals for those who could not afford to pay and privatizing the remaining establishments. Unfortunately, because of financial constraints, the Government was unable to provide free hospital care for all.
42. Orphanages were under the control of different ministries and could be visited by journalists, representatives of associations and other interested individuals on request.
43. Workshops on advanced training and training in new technologies were organized for doctors by specialized institutes, in cooperation with the international organizations.

44. Mrs. MOKHUANE asked how the Government intended to guarantee quality assurance standards in the public hospitals and what measures would be taken to provide marginalized children with access to leisure activities. She would also like to know whether a child's right to survival and development was guaranteed with regard to reproductive health and whether there were policies and programmes aimed at changing attitudes towards disabled children.
45. Mrs. TIGERSTEDT-TÄHTELA said that she regretted the lack of statistics on access to drinking water. Noting that there were signs of economic recovery in the country, she asked whether those encouraging results would enable the Government to take more concrete measures to promote children's rights. Generally speaking, she would like to know how the Armenian Government saw the future and what means it intended to use to bring an end to the crisis.
46. Mrs. RILANTONO asked what learning assessment system was applied for primary and secondary education and whether Armenia received aid from the World Bank to improve school attendance and educational quality.
47. Noting that the Armenian Constitution guaranteed the rights of national minorities, she drew attention to the fact that many Yezdi children were not enrolled in school, for economic reasons and because of other children's and teachers' hostility towards them.
48. Mr. RABAH asked whether there were girls among the 82 convicted minors to which reference had been made, and if so, whether prison conditions for them were different than for boys. He would also like to know whether measures were planned to foster the reintegration of young people into society once they had served their sentence and whether children in police stations and temporary detention centres received legal assistance.
49. The CHAIRPERSON asked whether the Government was planning to do more to promote children's participation in decision-making, both within the family and in the highest bodies, for example by establishing a special mechanism. With regard to the school drop-out rate, she asked what specific measures were being taken to encourage children to return to school.
50. Mr. MARTIROSSIAN (Armenia) stressed the fact that, following the break-up of the Soviet Union, Armenia had lost a great number of inhabitants in an earthquake, armed conflicts and the emigration of over 1 million people. The women had remained, and now formed nearly half of the population of working age. Unlike men, they did not hesitate to register for unemployment benefits when they were out of work, which explained the high number of women among the unemployed. The Government was devoting special attention to that issue and was taking measures aimed not only at restoring women's rights, but especially at reintegrating them into the economic life of the country.
51. Much remained to be done to guarantee the quality of health services in the public sector, especially to strengthen training and increase doctors' salaries. There were very few cases of teenage pregnancy, but it was still necessary to think about what might be done, if the problem were to become widespread, to help teenage mothers lead normal lives.

52. Attitudes towards disabled people were beginning to change, and numerous programmes had been undertaken to make life easier for disabled people and to integrate them into society. Disabled children were institutionalized only when there was no other choice.

53. Concerning assessment of students, there were examinations at the end of the primary and secondary levels, or at the conclusion of 8- and 10-year cycles, and at the end of higher studies. It was true that education quality had gone down considerably since the collapse of the Soviet Union. The Government was no longer able to allocate the considerable amounts of money needed for universal and excessively-theoretical education of the type previously provided. It now gave priority to education of a more pragmatic nature, aimed at providing students with specialized training, principally at the university level. A network of private higher education institutions had already been put in place. He noted in that connection that the majority of students were women.

54. The Yezdis' low school enrolment rate was mainly due to the fact that parents in the rural areas where most of the Yezdi, a national minority traditionally made up of herdsman, lived, preferred to keep their children at home to help with work on the family farm. The situation in the cities was different: Yezdi children in the cities were normally enrolled in school and had access to a range of professions. As far as respect for the Yezdis' rights was concerned, he noted that the Armenians had helped the Yezdis to develop an alphabet and to prepare textbooks.

55. Much progress had been achieved in the last 10 years with regard to legal assistance and measures in the legal sphere in general, in particular at the legislative level. Problems persisted, especially in educating the people and informing them of changes, regarding women's and children's issues more particularly. It was important for people to understand that, even if the situation appeared to have worsened since independence, the Government's efforts were democratically-oriented and would be of benefit to all.

56. Ms. GEVORGIAN (Armenia) said that available statistics did not indicate any cases of AIDS among people under 20. It was true that there was a high rate of births among women under 19, but it should be noted that the young women in question were married (the age of marriage being 17). Information and awareness-raising campaigns had been organized on the subject of family planning. Courses in sex education and sexual health were included in the school curricula. With regard to safe motherhood, there had been no reported cases of maternal mortality among women under 19 years of age in the last three years.

57. Mr. KAZHOYAN (Armenia) said that the representatives of ministries, NGOs, human rights organizations and international organizations in Erevan regularly visited orphanages and other institutions where children were placed, including prisons, and that no complaints had so far been received from agencies having requested to visit or inspect such establishments.

58. Finally, the ministries questioned about the closing of 30 to 50 per cent of children's institutions mentioned by Mrs. Sardenberg had indicated that no such measure was planned.

59. The quality of hospital care was monitored through regular inspections by Ministry of Health officials. In case of failure to meet criteria, the funding of public hospitals was suspended

and the licences of private hospitals were withdrawn. Similarly, all doctors were required to take an examination before practising in a public or private hospital, even if they had been practising privately for years.

60. Although Armenian wages were very low, children's participation in cultural activities or sport was not really a problem considering the low fees charged and the possibility of reduced fees for the poorest families.

61. There had been a marked increase in awareness of the need for access facilities for the disabled. The design of access facilities for the disabled at the United Nations offices had been a turning point, and the practice was becoming widespread.

62. It was true that the water supply system was obsolete and too small for the population it served. However, he had no knowledge of water pollution problems in Armenia.

63. Yezdi children worked in the fields and did in fact miss class during the harvest season. However, the Yezdi minority was now much better accepted and integrated than it had been in 1995, when the report had been drafted.

64. Juvenile offenders, who were mostly boys, were able to choose a counsel with the help of their parents or be assigned a lawyer by the court, just like adults. After they left the rehabilitation centres they were no longer required, as they had been under the old system, to report regularly to the police, but the care centres were responsible for periodically checking to see whether they were still attending school, kept contact with their families, and, generally speaking, were becoming reintegrated into society.

65. There was unfortunately no structure responsible for promoting school attendance and combating the tendency to drop out of school. However, there was a newspaper specifically for children in which children could express themselves freely about school and the decisions taken there, and, although children were completely free to write to any newspaper, they generally preferred to express their opinions through the children's newspaper and children's television programmes.

66. Despite the consequences of the 1988 earthquake and the blockade, after a difficult transition period the economic indicators in the agricultural and industrial sectors were tending to improve and some infrastructures had been restored. Children's institutions were now provided with electricity 24 hours a day, as opposed to one hour a day during the period from 1992 to 1994.

67. Relations with NGOs were constantly improving and the process of raising awareness of children's rights was advancing.

68. Mrs. SARDENBERG said that, given the immensity of the task, she would like to know the Government's priority in the area of human rights.

69. Mrs. MOKHUANE asked whether statistics had been established on tobacco consumption among young people and whether programmes were being set up to combat smoking.

70. She noted with regret that drug abuse was dealt with exclusively as an offence, with no account taken of the health aspect of the problem, and asked whether the Armenian Government intended to confine itself to a punitive policy.

71. According to information from outside sources, a policy existed for the reinsertion of persons with physical disabilities, but persons with psychological disabilities were regarded as dangerous and the policy towards them was one of exclusion. She would appreciate clarifications in that connection.

72. Lastly, she would be glad to have additional information on the extent to which the school curricula prepared pupils for life in society.

73. Mr. KAZHOYAN (Armenia) said that the establishment of a national body responsible for ensuring the implementation of the Convention and advising the Government on children's policy was one of the most important priorities.

74. To his knowledge there were no statistics on the number of children who smoked, but there was no doubt that Armenians were a nation of smokers. Despite television and poster campaigns, moreover, the situation appeared to be worsening, both in Armenia and in many other countries in transition throughout the region. Cigarette manufacturers regarded those countries as promising markets and had begun an unequal battle with States, which had far less resources for prevention campaigns than the manufacturers had for advertising campaigns.

75. In its efforts to combat drug abuse the Government combined medical treatment and punishment, and had thus achieved some very good results. It maintained good relations with the United Nations International Drug Control Programme and had launched a regional cooperation programme together with Iran and Georgia to combat the transboundary drug traffic. Training sessions in combating the clandestine introduction of drugs into the territory were organized regularly for customs personnel, and seizures of locally-produced illicit substances were common.

76. Lastly, children's preparation for their future lives as members of society began at the primary school level, through practical work focusing on do-it-yourself for boys and sewing and cooking for girls. Citizenship education courses were added at the secondary level.

77. The CHAIRPERSON thanked the delegation for its replies and invited Mrs. Sardenberg to present her preliminary conclusions.

78. Mrs. SARDENBERG (Country Rapporteur) recommended that Armenia should conduct a study of the implementation of the principle of respect for the best interests of the child and should consider raising the age of criminal responsibility.

79. Concerned at the traditional image of children within the family, she stressed the need to educate parents and encouraged Armenia to continue its efforts to combat ill-treatment and abuse.

80. With regard to institutionalization, she noted the importance of article 25 of the Convention concerning periodic review of placement, and invited the Government to consult other Governments and NGOs to learn from their experience in that area.

81. Concerning special protection measures, she said that special attention should be given to disadvantaged children, orphans and abandoned children. There was also a need to conduct studies on children traumatized by armed conflicts and on street children and child labour. The juvenile justice system should also be brought into conformity with the standards contained in the Convention.

82. She agreed that one of the State party's priorities should be to establish a national body with real political weight to monitor the implementation of the Convention. The data collection system should also be improved, for which the Government might ask for international cooperation.

83. It would also be useful to organize public awareness-raising campaigns, in closer cooperation with NGOs, and to introduce a national plan of action and a system for evaluating the repercussions on children of each measure envisaged by the Government, in order to give greater political visibility to children's rights issues.

84. Mr. NAZARIAN (Armenia) said that he had taken note of Mrs. Sardenberg's preliminary observations and that the Committee's conclusions and recommendations would be duly taken into consideration by the Armenian Government when preparing its future policies.

85. The CHAIRPERSON said that Governments could do much to help change attitudes and that the Convention was a valuable reference tool to that end.

The meeting rose at 6.05 p.m.



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Twenty-third session

SUMMARY RECORD OF THE 605th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 21 January 2000, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Peru

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GE.00-40496 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of Peru (CRC/C/65/Add.8); (CRC/C/Q/PER/2; written replies of the Government of Peru to questions raised in the list of issues (document without a symbol distributed in the meeting room in Spanish only))

1. At the invitation of the Chairperson, Mr. Voto-Bernales, Ms. Crosby, Mr. Chávez and Ms. Peña (Peru) took places at the Committee table.
2. Ms. CROSBY (Peru) said that, in 1996, the Government of Peru had established the Ministry for the Advancement of Women and Human Development (PROMUDEH), which had assumed the functions of the Governing Body of the National System of Total Care for Children and Adolescents. The Ministry's decentralized structure enabled it to involve local authorities and communities in its work on the promotion of human rights, especially the rights of the child.
3. During the 1990s, Peru had initiated a process of reform aimed at achieving economic stability and ushering in peace. Both those objectives had now been achieved; Peru was integrated into the international economic and financial community and terrorism had been eradicated. In other action taken to combat violence, Peru had concluded agreements with its neighbouring countries, and the year 2000 had been declared the "Year of Combating Family Violence".
4. A long process of improving standards of living was under way, in which the Government focused on efforts to combat extreme poverty. In 1991, the Social Compensation and Development Fund (FONCODES) had been set up to finance social investment projects, particularly in the areas of employment, health, food and basic education. Special attention was being paid to rural areas, where 79 per cent of children under 14 in a situation of extreme poverty lived. Since 1994, the Programme of Priorities for Basic Social Spending had resulted in an increase in overall social spending, particularly in the areas of education, health and justice, which had led to a significant reduction in extreme poverty. The Prioritized Strategy for the Relief of Severe Poverty, established in 1997, aimed to reduce extreme poverty to 11 per cent by the year 2000; 40 per cent of the national budget had been allocated to the social sector to combat the disparities between different sections of the population. FONCODES had drawn up a new map of poverty in order to provide a more up-to-date picture of those disparities, thus helping to target investment more effectively.
5. In the international sphere, Peru was a party to the six major international human rights instruments and had been one of the first countries to ratify the Convention on the Rights of the Child, in 1990. Various national plans had been drawn up with the aim of implementing Peru's international obligations, including the National Plan of Action for Children 1996-2000, the National Plan for Nutrition and Food 1998-2000, aimed at reducing chronic malnutrition, and the National Population Plan 1998-2002, aimed at improving quality of life and protecting sexual and reproductive rights. The Children's and Adolescents' Code had entered into force in 1993, followed by the Act on Family Violence.

6. The Children's and Adolescents' Code defined a child as a person under the age of 12 and an adolescent as a person aged from 12 to 18. It contained a provision designed to ensure that the best interests of the child were respected although problems persisted in implementing it. Laws had recently been enacted to outlaw discrimination against pregnant women and the disabled, and a special body had been set up within PROMUDEH to promote the social integration of disabled people.

7. The National Plan of Action for Children 1992-1995 had achieved most of its aims. The 1996-2000 National Plan of Action had three overall goals: survival, aimed at reducing infant and child mortality; development, aimed at reducing chronic malnutrition; and protection, aimed at achieving full implementation of the rights of children and teenagers. A coordinating committee made up of representatives of PROMUDEH, the Ministries of Health and Education and representatives of civil society, had been set up to provide follow-up to the Plan. Various non-governmental organizations (NGOs) and social organizations had also come together to form the National Commission for the Rights of Children and Adolescents. Since 1993, the Ombudsmen for Children and Adolescents had been working to promote and protect children's rights at the local level. Like all the bodies which dealt with children, the Ombudsmen took children's views into account. Children also had the opportunity to participate in school councils and to establish and join associations.

8. Despite the efforts made to promote dialogue and tolerance among youth, the problem of gang delinquency had been a new cause of concern in recent years. The Peruvian National Police had been developing social prevention programmes to combat neighbourhood and school violence, to prevent the exploitation of children working in the streets and to reintegrate street children into school and society.

9. Since 1993, the police had been receiving training courses on children's issues. Changes had been made in the juvenile justice system to ensure that juvenile offenders were tried in the presence of a representative of the Public Prosecutor's Department and a defence lawyer. The special measures introduced in 1992 to combat terrorism, which had been applicable to minors, had been withdrawn. Since 1997, the heads of juvenile justice centres had been required to monitor both the sentencing of juvenile offenders and the social and educational measures designed to reintegrate them into society. For juveniles still under investigation, a different system was in place, under the supervision of the National Family Welfare Institute and the preventive centres.

10. A working group had been set up within Congress, with the participation of PROMUDEH, the United Nations Children's Fund (UNICEF) and NGOs, to review both the Children's and Adolescents' Code and Legislative Decrees Nos. 895 on aggravated terrorism and 899 on gang activities. Legislative Decree No. 895 had been amended to bring terrorism cases within the purview of the civil rather than the military courts.

11. The CHAIRPERSON invited the members of the Committee to ask questions on general measures of implementation, the definition of the child and general principles.

12. Mr. DOEK welcomed the detailed information provided in the State party's report. Although the report did not make explicit reference to the Committee's concluding observations

on the initial report, it was clear that efforts had been made to implement them. The many positive achievements included the establishment of PROMUDEH, the Poverty Relief Strategy and the National Plan of Action for Children. Other favourable developments were the establishment of special procurators for child-related and family issues and the measures taken to raise awareness of children's issues and to provide training for professionals working with and for children.

13. He asked how the various activities relating to the implementation of the Convention were to be coordinated, given that responsibility for overseeing the National System of Total Care for Children and Adolescents had been transferred to PROMUDEH.

14. He would like to know why a law such as Legislative Decree No. 895 on aggravated terrorism was still necessary in view of the claim that terrorism had been eradicated. It was a cause for concern that, pursuant to the Decree, it was possible to sentence a 16- or 17-year-old to 25 years in an adult prison. Legislative Decree No. 899 had also introduced serious penalties, including prison terms of up to six years, for children aged 12 to 18 who took part in gang activities. He would like to know why the Government had introduced Legislative Decree No. 899 and whether its approach to the problem of gangs had been based on research conducted in the United States of America. Were any other policies in place to address the problem of gangs besides the use or threat of such serious penalties?

15. Regarding the definition of the child, paragraph 149 of the report stated that there was no minimum age for testifying in court but that in practice testimony was given by children aged 8 or over. He would like to know whether that was true for all courts, including criminal courts, and whether children who were victims of serious crimes were expected to testify in court at such a young age. He also asked whether judges and lawyers participating in cases involving children received training in dealing with children.

16. Regarding the principle of the right to be heard, paragraph 229 of the report stated that a survey had been conducted to find out to what extent judges took the opinion of the child into account. He would like to know whether the Government had acted on the results of the survey by improving the training of judges who dealt with proceedings involving children.

17. Mrs. SARDENBERG welcomed the recent positive developments mentioned in the introductory statement, such as the reductions in poverty, the various national plans that had been put in place, the fact that Peru was a party to the six major international human rights instruments and the entry into force in 1993 of the Children's and Adolescents' Code. The Government's cooperation with civil society and NGOs was also to be welcomed, as it was vital for effective implementation of the Convention.

18. Information had been provided to the effect that the state of emergency was still in force, especially in the high Andes and the Amazon region. What was the impact of the situation on children? With reference to the governmental decentralization process, additional information would be welcome on the disparities between different areas. Were the resources allocated, including those allocated to children, also decentralized?

19. It had been stated that a group in the National Congress was working on the Children's and Adolescents' Code. She asked whether a similar group was participating in the work on the implementation of the Convention. She would also appreciate further details about the effects of poverty on the situation in Peru and on the positive results achieved in combating poverty, especially among indigenous groups.
20. Turning to the subject of legislation, she asked why consideration was already being given to reforming the Children's and Adolescents' Code, which had only come into force in 1993. Implementation of any new legislation required a substantial period of time to be effective. Overly hasty reforms might have an adverse knock-on effect. She would also like to know whether the Survey on Living Standards, which was the main source of statistical information, covered all areas of the Convention. With regard to the definition of the child, the Children's and Adolescents' Code made a distinction between children (individuals up to the age of 12) and adolescents (individuals up to the age of 18). She asked whether there was flexibility in interpreting the Code, given the different rates at which children developed.
21. According to the representatives, Peru had experienced problems in implementing article 3 of the Convention. Further information would be welcome concerning the Peru-UNICEF Coordinating Committee; in particular, was it an independent body? Children were also supported by child protection officers. Although the large number of such officers was to be welcomed, she wondered whether provision was made for evaluating or monitoring their performance.
22. In conclusion, she asked what types of activities were included in the social prevention programmes developed by the Peruvian National Police to combat violence.
23. Mrs. MOKHUANE asked what percentage of social spending, the goal of which was to achieve a just society and alleviate poverty, was devoted to children's issues. According to the representatives, progress had been made in combating racial discrimination but the problem still arose. Did any national programmes exist to help the victims of discrimination, especially in improving their self-esteem?
24. She asked what progress had been achieved with the introduction of the Act on Family Violence. Had the Act merely suppressed violence, and what was being done to address the root causes of violence? In that regard, she doubted that the police were in the best position to conduct social programmes designed to combat the problem of violence. Finally, the initial report of Peru had stated that the minimum age of marriage was 16 for boys and 14 for girls. She asked whether that was still the case, and whether those ages might not be considered too low.
25. Mr. RABAH asked what role had been played by NGOs in the preparation of the second periodic report. He would also like to know the extent to which the Ombudsmen for Children and Adolescents were independent. Referring to paragraph 150 of the report, he asked what was meant by the expression "appropriate organ", to which cases were referred following an investigation. He would also welcome statistics on court cases involving child abuse in families and schools.

26. With reference to the definition of the child, the minimum age of employment in Peru was 12. That was very low, and further information would be appreciated, in particular about the age limit for work involving dangerous activities. The report stated that the regulations introduced to prevent full-time employment by young people had only recently begun to take effect, as it was difficult to change people's attitudes. Which body actually controlled the sphere of part-time and full-time employment?

27. Mrs. RILANTONO requested clarification of the phrase "social budget". Although it was clear that such a budget covered expenditure devoted to children, the other areas encompassed by it should be specified.

The meeting was suspended at 11 a.m. and resumed at 11.10 a.m.

28. Ms. CROSBY (Peru) said that the National System of Total Care for Children and Adolescents had included a secretariat responsible for the intersectoral monitoring of the National Plan of Action for Children. As the secretariat had not proved able to interact with representatives of civil society, its functions had been transferred to the Ministry for the Advancement of Women and Human Development (PROMUDEH). The intersectoral coordinating committee mentioned earlier was increasingly active and worked with municipal and local authorities. There was also a municipalities association, which was an essential part of the national system of providing for children's and adolescents' interests. The Government worked with local and municipal authorities in order to exchange experiences for the benefit of those most in need. The grass-roots organizations set up after the economic crisis in the 1980s continued to work for the interests of individual communities.

29. Legislative Decree No. 895 on Aggravated Terrorism was still in force and was currently being reviewed by the National Congress. Although the problem of terrorism had largely been overcome, repercussions remained. The state of emergency had been greatly reduced over the past decade and now affected only 3.7 per cent of the total population. In fact, the Government was willing to lift the state of emergency completely at the earliest possible opportunity. Gang violence by children was a recent phenomenon which had taken the authorities by surprise. They were trying to apply both repressive and preventive measures; for example, a proposal had been made to establish special community service for young people to encourage them to learn trades and to use their free time wisely. Gang violence was a repercussion of the terrorism with which the children in question had grown up, following which they had been affected by a syndrome of violence and family crisis. Efforts were being undertaken to eliminate domestic violence, which served only to alienate children from their family environment.

30. With regard to children giving evidence in court, she said that efforts were focusing on training law-enforcement officials to deal with cases involving the violation of children's and adolescents' rights. The training in question was provided in universities and by the National Council for the Judiciary. In that regard, an ever-increasing number of higher education institutions were incorporating the subject of children's and adolescents' rights into their curricula as a compulsory module. Act No. 27055 referred to the rights of victims of sexual violence. The Public Prosecutor acted ex officio to protect the children involved, and was

required to be present during all statements made to the police in cases of sexual violence committed against children and adolescents. Attempts were being made to change the repressive view of police officers and to make them appear more friendly towards the community.

31. Regarding decentralization, under the Constitution a transitional regional administrative council existed in each of the 24 national departments. In accordance with a decision taken in July 1999, from 2000 onwards funds would be allocated to municipalities for the administration of health and education programmes, to ensure that resources reached local populations directly.

32. The National Congress included a committee on women and human development, which acted as a counterpart to the ministry of the same name. The committee functioned by means of public hearings involving ministries and NGOs, which were part of an ongoing process of consultation of the different institutions to ensure that the legislation to be enacted was appropriate.

33. The amendments made to the Children's and Adolescents' Code were part of an updating process. Much progress had been achieved in recent years and it was hoped that the subject of child labour would soon be incorporated into the Code, with the minimum age for employment set at 14 in accordance with the relevant International Labour Organization (ILO) Conventions and Recommendations. An improved definition of ill-treatment had also been proposed, extending the concept to abandonment and psychological trauma. Work on the Code would include civil society in the form of municipal committees, thereby ensuring more effective decentralization of monitoring duties.

34. Despite problems in applying the principle of the best interests of the child, the Government was aware that efforts to do so must continue, and that information on that principle should be disseminated to the general public. The National Commission for the Rights of the Child would aim to reach children in more remote areas to make them aware of their rights, for example their right to express their opinions openly.

35. Progress had been achieved with regard to poverty relief, and efforts were made to ensure that budget allocations benefited the neediest groups. Special emphasis was placed on indigenous populations living in border areas. The agreements which had been signed with bordering countries had enhanced cooperation and allowed for greater access to border regions. An intersectoral secretariat for indigenous affairs had been formed, comprising all the institutions working in favour of indigenous populations.

36. In recent years, the National Institute of Statistics and Data Processing had been collecting data on children's issues, in cooperation with UNICEF. The next population census, to be carried out in 2000, would update data and introduce new categories such as child labour.

37. The division between the official definitions of children and adolescents, ages 0-12 and 12-18 respectively, had in fact helped to promote different personal development processes. It did not contradict the definition of the child set forth in the Convention, which described a child as a human being below the age of 18 years. Amendments to the official definition designed to include child labour had been submitted to the Congress for approval.

38. NGOs enjoyed total independence. They enjoyed the same useful exchange of information with the State which characterized the State's relationship with society at large.

39. Child protection agencies ("defensorías del niño y del adolescente"), as distinguished from the Ombudsman ("defensor del pueblo"), were formed by professionals drawn from different disciplines, including persons at the community level, who were trained by the Ministry of Justice and PROMUDEH. They promoted and disseminated information on children's rights and resolved domestic and other local conflicts through conciliation procedures. In countries like Peru, a great deal of trust was placed in people working at the grass-roots level. However, abuses committed against children were not addressed through conciliation, but were treated by the police, judges and psychologists.

40. Child protection officers existed in all sectors which dealt with children's issues. For example, some child protection officers reported to local Governments, others to schools, NGOs or public institutions. PROMUDEH provided them with guidelines, supervision and general support. In case of requests for additional officers, PROMUDEH provided training and basic materials. An up-to-date directory of officers was maintained.

41. An increasing number of youth leaders had been elected to school councils through democratic participation. PROMUDEH was working in concert with the Ministry of Education to perfect the system and to ensure genuine youth participation in order that the councils would be not merely an exercise in the workings of municipalities but a forum for young people to cooperate with school authorities.

42. Other sectors in addition to the ministries had benefited from social spending. With regard to the social budget, for 2000 the Ministry of Health had been allocated 14.37 per cent, the Ministry of Education 6.68 per cent and the Ministry of the Presidency 1.6 per cent. All the sectors worked closely together. Health and education allocations were transferred directly to the municipalities.

43. Efforts to eradicate discrimination had targeted not only child victims of racial or ethnic discrimination but also child victims of terrorist violence. In that connection, self-esteem and resilience programmes had been launched in the mountain and forest regions, with excellent results.

44. Recent legislation had set the minimum age for marriage at 16 years, which might seem low but which accurately reflected the situation in certain parts of the country. The law enabled children of 14 years and above to recognize their offspring so as to ensure the right of newborns to a name and an identity. Civil society and NGOs had been involved in all stages of the preparation of the report to the Committee. Two months earlier a Memorandum of Understanding had been signed with several NGOs and cooperation agencies regarding an information system, bibliographies and activities on behalf of children, at the regional level.

45. With respect to the minimum working age, ILO Convention No. 138 concerning Minimum Age for Admission to Employment had received a positive assessment from the executive power, and was shortly to be approved by Congress. An intersectoral committee had been established to define monitoring mechanisms for full-time and part-time work, in particular

domestic work, which was difficult to monitor and which involved a large number of young people. In a joint project with the National Institute of Statistics and Data Processing, the committee was collecting information in order to provide the municipalities with legal support mechanisms, which were responsible for monitoring domestic work.

46. The CHAIRPERSON invited the Committee members to ask additional questions, followed by questions on the next two sections of the list of issues (CRC/C/Q/PER/2).

47. Mrs. RILANTONO said that, although the Constitution and Children's and Adolescents' Code guaranteed freedom from discrimination, there had been reports of discrimination based on gender, race and ethnic origin. Noting the high percentages of women, especially rural women, who lived in extreme poverty and who were either illiterate or poorly educated, and the high incidence of adolescent pregnancies among girls under 15 years of age, she asked what the Peruvian authorities were doing to combat gender discrimination.

48. Mr. DOEK asked whether the representatives might clarify once more the difference between the ombudsman and the child protection officer. There had been no reply to the Committee's question on police brutality. With regard to family environment, the written replies referred to an extremely high number of orphans, 40,000, in the emergency zones; he asked what was being done to assist them.

49. Foster care was taken quite seriously by the Government, and there was a noted preference for national adoptions. He asked how foster care and adoption were promoted, whether there were financial or other incentives offered to recruit prospective foster and adoptive parents and how the selection was made.

50. He inquired whether preventive measures had been taken to combat the worrying problem of domestic violence, and how much was invested in such measures. Had any public or private awareness-raising campaigns been launched with respect to corporal punishment?

51. Mrs. SARDENBERG said she doubted the wisdom of a coordinating body being dependent on the Children's and Adolescents' Code as any changes to its functioning as a result of necessary periodic assessment would require amendments to the Code. Turning to the definition of the child, she said that uniformity of the law was of paramount importance. Further information on mechanisms for children's participation would be welcome. She would also like to know whether reports that Peru intended to withdraw from the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women were correct.

52. In view of the fact that Peru would be hosting the next Beijing + 5 regional meeting, she asked whether improvements in the situation of the girl child had been observed. She also wished to know whether the Convention was taught in schools. Lastly, she asked whether the Government had launched a campaign in regard to birth registration, whether the procedures for birth registration might be simplified and whether a cost was involved.

53. Mrs. MOKHUANE said she was still unclear about the problem of child labour in Peru and how domestic work, in particular, was regulated. How was the right to privacy protected in emergency zones? She asked whether progress had been made in changing women's perceptions about their role in registering births. In the case of single mothers, were children given the mother's or the father's name, and what were the related difficulties?

54. Mr. RABAH said he would welcome additional information on corporal punishment, whether it posed a problem in the family, schools and society at large, and whether new legislation had been drafted in that regard.

The meeting was suspended at 12.05 p.m. and resumed at 12.15 p.m.

55. Ms. CROSBY (Peru) reiterated that domestic work was difficult to monitor, which was why an intersectoral committee had been established and domestic workers introduced as a new category in the upcoming census. Domestic work was popular among teenage girls who arrived in the city for the first time. However, the Government tried to prevent situations where young domestic workers lived in the home of their employer. A system had been proposed whereby young people would register with the municipalities, which would then be able to monitor the situation.

56. The Free School Insurance (SEG) scheme also contained a mechanism for reporting the cause of a child's illness or injury at work to the relevant agency. Dangerous forms of child labour were prohibited and maximum hours of work established. National programmes existed designed to integrate working children into the school system. With regard to the difference between the Office of the Ombudsman and the social protection services (*defensorias*), the former was a national institution for hearing complaints from private individuals, following which the authorities were invited to meet their human rights obligations. The social protection services reported to municipalities throughout the country and worked on a conciliation basis. They informed the general public of the rights of children and young people. Their efforts were coordinated by PROMUDEH, with the help of the municipalities, NGOs and civil society.

57. Laws amending the Children's and Adolescents' Code had been issued, with the cooperation of the Ministry of Justice, and had been compiled in a single text. While it was not possible to amend the legislation to take into account every new aspect that emerged, the authorities updated the Code and corrected features which ceased to be appropriate. Both the Code and the Convention were taught in syllabuses in connection with democratic participation. The privacy of children and adolescents at risk was closely monitored. A programme was being implemented to bring down to 11 per cent in 2000 the 14-15 per cent of the population living in extreme poverty, many of whom were single female heads of households. The 40 per cent living in critical poverty was equally divided among men and women.

58. In recent years, there had been a marked drop in the illiteracy rate, which stood at 7 per cent, and efforts were being made to reduce it to 4 per cent. Boys and girls received virtually the same level of assistance for primary education, while there was a disparity between them for secondary education. Measures were in place to reduce the gender disparity, and

PROMUDEH was actively promoting the National Plan for Equal Opportunities for Women for the 2000-2005 quinquennium. The Ombudsman's Office included a women's ombudsman, who worked closely with the agencies responsible for women's issues and with society as a whole.

59. Seven of 10 illiterates in Peru were women. The national literacy plan implemented by PROMUDEH to increase the literacy rate among girls had recently received the King Seyjong Prize from the United Nations Educational, Scientific and Cultural Organization (UNESCO) for its achievements in the areas of women's literacy, business management, provision of information on sexual and reproductive rights and efforts to curb domestic violence. The social protection services had resolved 300,000 cases of rights violations in the period 1997-1999 - 17 per cent of which had involved children - without recourse to the courts. While there was no special legal advisory service, the people were aware that help was available at the protection service offices and were sufficiently involved to ensure that violations were reported. Representations to the Public Prosecutor's Department and the courts had revealed that reports of widespread police brutality were unfounded.

60. Nearly half of the 600,000 persons displaced owing to terrorist activities were children or young people, but a National Programme of Support for Resettlement and Development of Emergency Zones helped those wishing to return and assisted them with construction of homes, water supply, sanitation, and agricultural work for a period of six months. Over 20,000 had already returned, and the areas in question were regularly visited by officials. Not all of the 40,000 children orphaned as a result of terrorism were totally abandoned and in need of adoption or alternative care. Those who were appeared before the courts and, where appropriate, were put up for adoption.

61. Domestic family violence called for more than medical care, prevention being the effective solution. Peru had declared 2000 as the "Year of Combating Family Violence" and was focusing on prevention by informing people of their rights. She acknowledged the need for clear-cut language defining children and adults. Replying to a question concerning childcare institutions, she said the National Family Welfare Institute was implementing programmes to ensure comprehensive care of children and teenagers in institutions. Peru had no intention of denouncing the American Convention on Human Rights.

62. An intersectoral network comprising 20 public and private institutions established priorities for the education of girls and teenagers, including young school drop-outs, who were more numerous in rural than in urban areas. The network impressed upon families the importance of protecting the rights of girls. Ministries and NGOs had long been involved in affirming the right to a name, and some 40,000 children were newly registered. The law required registration of births by the hospital authorities prior to the departure of the mother and baby. An awareness campaign would be run from January to March 2000; its purpose was to educate not only women, but also Civil Registry Office staff in the rules and conditions of registration. Mothers were entitled to register children in the absence of their spouses, and new legislation enabled single mothers to disclose the name of the child's father for entry on the birth certificate.

63. Corporal and psychological punishment persisted among all strata of Peruvian society, and campaigns were in progress to develop a culture of respect for rights to ensure that children were well treated.

64. In connection with Peru's ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), eight offices had come together in March 1999 under the aegis of PROMUDEH to discuss ways of jointly tackling the issue of violence against women. As a result, a formerly protracted process now lasted only a few days. There were 10 emergency units throughout the country, the national assistance programme had been assigned a more substantial budget, and positive results had already been achieved by officials of different institutions working together.

65. The CHAIRPERSON invited Committee members to put follow-up questions to the delegation of Peru.

66. Mr. DOEK, citing paragraph 375 of the report to the effect that foster placement needed promoting in Peru, asked what action had been taken for that purpose since the publication of the report in 1998. He had been disturbed to learn that an average of 1,000 children went missing every year. As a State party to the Inter-American Convention on the Forced Disappearance of Persons, what action was Peru taking to locate them?

67. Mrs. MOKHUANE said that a great deal of information had been provided on measures to combat violence, on the relationship between violence and poverty and on poverty alleviation. However, she would like to know what steps the authorities were taking to promote the parenting skills of young mothers, of whom there were many in Peru; what linkage had been established between violence and young motherhood; and what action was being taken in that regard.

68. Given Peru's high birth rate, it was astonishing that there should be a waiting list for adoption. She wondered what the community's attitude to adoption was and what the Government was doing to speed up the adoption process, particularly as there seemed to be no proper communication between the courts and the care institutions. Also, were there plans to increase human resources in the justice system, especially with a view to accelerating the adoption process?

69. Mrs. RILANTONO drew attention to an allegation of discrimination against particular ethnic groups, especially indigenous communities. The report stated in paragraph 378 that social workers reported to the court at six-month intervals in respect of children in institutional care. She wished to know whether a systematic monitoring mechanism existed for children in other types of alternative care.

70. Mrs. SARDENBERG acknowledged that the Peruvian Government was well aware of the problem of violence, which was a fundamental issue for the Committee, inasmuch as there were reports that 50 per cent of children were beaten by their parents on a daily basis in a

traditional culture of widespread ill-treatment. Only recently had a Code been established to attempt to change perceptions. She suggested that the authorities should conduct an in-depth study of the situation so as to have a clear idea of its scope and attempt to reduce it. She also inquired about reports of forced recruitment of children and their ill-treatment during military service.

71. Ms. CROSBY (Peru), referring to placement and foster care, said that many different protection measures were in place for children deprived of their families. Adoption was a long-term measure, while placement was temporary. The courts determined which type of placement was most appropriate for a child, on the basis of criteria such as proximity to the child's place of origin. Act No. 26981 of October 1998 provided greater security with regard to adoption and guarantees similar to those provided in the Code. The adoption decision was now taken by the appropriate administrative body, but usually with the knowledge of the courts. The court conducted a preliminary custody hearing, after which the child was put on a waiting list. There was a three-year monitoring period for national adoptions and a four-year period for inter-country adoptions. So successful had the system been that Peru frequently received inquiries from other countries, including European countries, wishing to use Peru's legislation and system as a model for inter-country adoption agreements.

72. Although violence against children existed throughout Peruvian society, the authorities assigned priority to eradicating it. She thanked Mrs. Sardenberg for her suggestion in that regard.

The meeting rose at 1 p.m.



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Twenty-third session

SUMMARY RECORD OF THE 606th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 21 January 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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Second periodic report of Peru (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of Peru (CRC/C/65/Add.8; HRI/CORE/1/Add.43/Rev.1; written replies of the Government of Peru to questions raised in the list of issues (document without a symbol distributed in the meeting room in Spanish only))

1. At the invitation of the Chairperson, the members of the delegation of Peru resumed their places at the Committee table.
2. Ms. CROSBY (Peru) said that many children who were delinquent or who had run away from home were entrusted to social workers responsible for reintegrating them into their families, where possible, or placing them in vetted foster families, if there was an atmosphere of violence in their own families that prevented them from returning. Abductions of children were reported to the national police. Peru's accession to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption was being studied by the Congress of the Republic with a view to adoption.
3. Peru did not encourage adolescent marriages and the national population plan for 1998-2002 aimed, inter alia, to reduce the number of unwanted pregnancies among adolescent girls in the context of an intersectoral campaign centred on prevention and the provision of information on young people's sexual and reproductive health rights. Following the failure of a previous national plan of action with the same objective, specific measures had been introduced jointly by several ministries. A National Coordinating Commission for Family Planning and Reproductive Health Policies had been created to focus on pregnancy prevention and information on sexual relations.
4. Peru had adopted a new act on the adoption of minors which was stricter than previous legislation in that regard. A child could only be adopted after a legal declaration of abandonment had been made. A preliminary investigation was conducted by a judge, assisted by specialists, to determine whether the child had, in fact, been abandoned and whether he could be adopted.
5. A special programme to combat discrimination against certain ethnic groups, especially indigenous populations, was being implemented with the help of the United Nations Children's Fund (UNICEF). An intersectoral committee had also been established to study ways of ensuring that the indigenous population enjoyed an acceptable standard of living.
6. Childcare institutions reported to the National Family Welfare Institute and registers facilitated the evaluation of professionals working in placement institutions.
7. Ms. MOKHUANE regretted that, in spite of the various initiatives taken by Peru, access to health care remained a problem. She inquired as to the causes of the extremely high rates of infant and maternal mortality and asked about the relations between medical staff and patients. She also wondered why the rural population did not take advantage of health services.

8. Admittedly, the Peruvian State provided benefits for disabled children, but there seemed to be a shortage of human resources, infrastructure and equipment. Did Peru intend to broaden the scope of the health system so that those who were excluded could benefit from it?
9. She expressed concern that the sterilization policy mainly targeted disadvantaged groups, who were sometimes ill-informed as to the lasting nature of the operation.
10. She welcomed the progress that had been made with regard to breastfeeding and asked whether there were institutions or mechanisms in place to monitor violations of the code on the marketing of breastmilk substitutes and whether measures or policies relating to the implementation of the code had been introduced.
11. Ms. RILANTONO expressed concern about the consistently high infant mortality rates, in rural areas especially, and wondered whether that situation could be explained by the centralized nature of the system and the ignorance of the population about the existence of certain services. She noted the havoc wrought by tetanus and wondered if the incidence of the disease could not be reduced if better hygiene were observed during the frequently practised home births. She asked for more detailed information on the conditions in which those births took place.
12. Considering the scale of malnutrition in the country, she inquired as to the causes and wondered whether Peru had a nutrition policy. Was there legislation which promoted breastfeeding and discouraged bottle feeding?
13. Mr. RABAH asked whether Peru had signed bilateral agreements with neighbouring countries regarding the abduction of children.
14. Mr. DOEK inquired as to the scale of the trend towards health care privatization.
15. In view of the considerable disparity between the objectives of article 27 of the Constitution, relating to education, and the actual situation, he wondered what measures were envisaged to improve teacher-training and the quality of textbooks, and to reduce the drop-out rate in schools.
16. As to child labour, he questioned the difference between the figures provided by Peru and those given by non-governmental organizations (NGOs) regarding child workers aged 6 to 11 years. Did Peru intend to raise the minimum working age to 14 and ratify ILO Convention No. 138 concerning minimum age for admission to employment (1973) which set the minimum working age at 15, or did it plan to submit a reservation to the Convention? What progress had been made with regard to Peru's accession to ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)?
17. He inquired about the degree of implementation of the general plan for the elimination of landmines and asked whether there were any estimates of the number of landmine victims.

18. Lastly, was there a national or international plan of action to combat sexual exploitation in all its forms, especially sex tourism, and if so, did it contain prevention and treatment aspects, and who was responsible for its implementation?

19. Ms. SARDENBERG asked about the rationale behind the rule that boys should account for not less than a certain percentage of pupils in sex education classes. She would welcome information about Peru's efforts to make men more aware of their responsibilities.

20. Had a complaint procedure been set up to report violations of rights and ill-treatment in schools? She asked for further information on the social workers who worked with street children and wondered whether they ever took advantage of their position.

21. Ms. CROSBY (Peru) said that the State placed high priority on access to health care and the very significant contribution made by civil society and associations to promoting the right to health, especially with respect to vaccination and oral rehydration. The Ministry of Health sought to ensure that the entire population was supplied with basic drugs.

22. Studies had revealed some lack of human warmth in relations between medical staff and patients, especially in rural and remote areas. That was partly because of the fact that Peru was a multicultural society and that medical professionals were often ignorant of local beliefs and customs. With the help of UNICEF, however, traditional midwives had been called upon to help them to adapt to local customs, and the situation was improving.

23. The recently established National Council for the Disabled, comprising disabled persons and representatives of the Ministry for the Advancement of Women and Human Development (PROMUDEH), was entrusted with the task of examining all the obstacles to the integration of disabled persons into normal life. A vast amount of effort had already been expended in that regard, in particular to sensitize communities with a view to changing their mentalities, and to induce teachers to accept disabled children in their classes.

24. There was no sterilization policy which targeted poor people. However, a national population plan for 1998-2002 did exist to improve the quality of life of all Peruvians, which placed special emphasis on providing information on reproductive health rights and family planning methods. Once the Government had heard rumours about forced sterilization, an investigation into the matter had been launched immediately, with the assistance of the People's Ombudsman and representatives of the Catholic Church. As a result, the officials found guilty of such acts had been taken off the programme. The programme was intended to provide full information, including on natural contraception methods, and did not, in any way, seek to influence the decisions of the population groups concerned.

25. As to breastfeeding, the practice of allowing breastfeeding mothers breaks during the working day had been re-established and various awareness-raising activities, including a promotional week and a television campaign, had yielded positive results.

26. There were, indeed, disparities with respect to infant mortality rates. Certain steps had been taken to decentralize the health and education services to the municipal level in order to reach disadvantaged populations directly. Furthermore, efforts were being made to fine-tune the

"poverty map" drawn up in 1996 to highlight the differences within particular districts so as to render the activities undertaken more effective. Programmes for building homes and crèches were also being carried out. In addition, priority had been placed on children's health, education and nutrition; in that connection, the multisectoral action plan for 1998-2000 aimed to reduce by, at least, 18 per cent the incidence of chronic malnutrition among children under 5. Furthermore, the Government had set itself the task of improving water purification and distribution systems.

27. There were no specific bilateral agreements on the abduction of children, but relevant legal cooperation agreements had been signed. With respect to international agreements, Peru was a signatory of the Inter-American Convention on Domicile of Natural Persons in Private International Law and the Hague Convention on Intercountry Adoption and was planning to conclude bilateral agreements with countries which were not parties to the latter Convention. Additionally, steps had been taken, in cooperation with a private body, to establish an international system for tracing children who had disappeared or who had been kidnapped. To that end, an international database would be set up and updated on the basis of identification sheets on the children, with the help of the police.

28. As to statistics on child labour, the 1993 census had revealed that more than 1.5 million children and adolescents were at work, while the ILO mentioned a figure of 2 million. Steps had been taken to ensure that more accurate information was collected in the 2000 census. ILO Convention No. 138 was being considered by the Congress of the Republic, after being approved by the Government; Convention No. 182 was still being studied by the relevant bodies.

29. With respect to the privatization of the health services, the Social Security Institute remained a public body although its functions had changed; it was now devoted exclusively to health services and no longer dealt with retirement pensions. Free school health insurance for children aged 3 to 17, valid for the entire year, including school holidays, and also covering death-related expenses was offered to encourage school attendance. Furthermore, since its introduction in 1997, it had meant a saving of \$100 million to families.

30. The Constitution guaranteed the right to education and stipulated that primary and secondary education was compulsory. However, its provisions were not always applied. Efforts were, therefore, being made to improve the quality of instruction, especially by modernizing school programmes and improving teacher-training. Long-term campaigns had been organized to encourage parents to send their children to school, and to start children's schooling at the age of 5 so as to facilitate entry into primary school. Courses on children's rights, including the right to reproductive health, were now included in school curricula, and all schools were duty-bound to comply. Generally speaking, much progress had been made since 1998, although there was still a lot left to be done in areas where the country was lagging far behind.

31. Peru, which had never laid mines in its entire history, was conducting demining activities, especially at its borders, in cooperation with countries it had had differences with in the past. The road-building programme, which had been interrupted to facilitate the demining process, had been resumed.

32. The problem of sexual exploitation of children had long been tackled from the standpoint of rapes, ill-treatment and other acts of violence and abuse against children. Prevention

campaigns had been carried out in that regard. The authorities had noted with concern that child prostitution was on the increase; however, the situation was being assessed so as to eliminate the root causes and the Government had drafted directives to assist municipalities in implementing specific measures.

33. The Ministry of Health's youth programme was a new initiative. Against the background of a strongly sexist society, it sought to promote, from childhood, an awareness of the equality of the rights of men and women, and the need to share responsibilities. As to young people's participation in decision-making at school, a new act promoting that practice was to be adopted. In addition, children could report teachers who did not respect their rights, and a hotline had been set up to that end.

34. The training programme for street workers had been executed in cooperation with the International Labour Organization (ILO) and UNICEF. It sought, first of all, to gain the confidence of the children, some of whom had been on the streets for a long time and were on drugs. The children were then placed in families or homes and their aptitudes evaluated in order to offer them appropriate training and to help them to become independent.

35. Ms. MOKHUANE requested information on drug, alcohol and tobacco consumption by boys and girls and the measures taken in that regard. She asked whether studies had been conducted into the use of cervical caps and whether such devices were distributed free of charge.

36. Ms. RILANTONO questioned the justification for the policy of starting children's schooling from age 5 and wondered whether steps were being taken to educate parents, especially in regard to ways of stimulating their young children. Bearing in mind the high drop-out rates, were there vocational training schools for school drop-outs?

37. Mr. DOEK asked for clarification on the Government's position with respect to the age for military service, as the report was not very clear on that point, and what progress had been in the apparently difficult discussions on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

38. Turning to the information provided on abortion in paragraph 196 of the report (CRC/C/65/Add.8), he wondered what measures the Government intended to take to correct the situation.

39. On the juvenile justice system, he requested updated information on the backlog of cases in the courts and the status of the temporary judicial bodies that had been established to help to clear it. He wondered how court-appointed lawyers were remunerated and what was done to guarantee that they produced quality work.

40. As to the placement alternatives mentioned in paragraph 825 of the report, he would like to have further information on the nature and frequency of such measures. He would also like to know the number of children detained and the conditions in which they were held, in the light of reports that detention centres were overcrowded and that there was tension among detainees.

41. Ms. CROSBY (Peru) said that a Commission to Combat Drug Use, comprising representatives of several ministries, had designed a national programme for 1998-2002 centred on coca crop substitution, rehabilitation of drug addicts and drug prevention. The internationally assisted attempts to substitute illegal crops, which had been carried out over several years, had produced very good results; attention was now turned to prevention.

42. Efforts to combat AIDS formed part of the national population plan. It was necessary to devote attention to prevention since the number of infected persons had increased. Consequently, in maternity clinics, pregnant women who were HIV-positive were told not to breastfeed their babies, and campaigns promoting the use of condoms, which were distributed free of charge in health centres, had been launched. Furthermore, the Government had cooperated with non-governmental organizations (NGOs) to implement a programme on the sexual and reproductive health rights of adolescents.

43. Children could start nursery school from age 4 but day-care centres accepted children from 6 months to 3 years. Various programmes had been started throughout the country, especially in the rural areas, for children who were not enrolled in school. A pilot reform project had been started at the secondary school level and would soon be extended to all State schools. Under the programme, students were prepared over a two-year period to sit either a general or a specialized "bachillerato", depending on whether they wished to pursue their studies at a higher level or start working.

44. Military service was not compulsory in Peru. Young people enlisted or entered military service on a voluntary basis, from ages 17 and 18 respectively.

45. Mr. CHAVEZ (Peru) recalled that negotiations on the draft optional protocol to the Convention were still in progress and that an agreed final text was expected to be produced soon. Peru had two concerns in that regard. Firstly, a distinction needed to be made between enlistment and actual military service. The Peruvian armed forces, which recruited minors at the end of their studies at age 17, were tending more towards a professional army because it provided opportunities for upward social mobility without compulsory participation in actual fighting. In addition to their defensive role, the armed forces also played a social development role, in building roads, for example. Secondly, Peru would like an article to be inserted into the text which would make explicit reference to non-governmental forces, since more children participated in armed conflict on the side of non-governmental forces than governmental ones; greater vigilance would have to be accorded to that aspect in future.

46. Ms. CROSBY (Peru) said that abortion was illegal, a stance which had been reaffirmed at the International Conference on Population and Development held in Cairo. Furthermore, the Children's and Adolescents' Code clearly stated that children were entitled to the right to life from their very conception. Nevertheless, adolescent mothers were empowered by legislation to give their children up for adoption or to have them placed in foster homes.

47. Juvenile delinquents were offered free court-appointed counsel. They could also benefit from alternatives to detention, since imprisonment was a measure of last resort. Parliament was in fact considering a bill on the imposition of community service sentences, and a non-custodial supervision scheme had just been approved, under which, as from 2000, juveniles in

rehabilitation centres would be released for several hours per day to attend school, thereby also facilitating reintegration. A very efficient counselling service had been set up so that juvenile delinquents could be monitored by former gang leaders with a similar background to their own, who would, therefore, be in a good position to counsel them. Rehabilitation centres were staffed with doctors, psychologists and lawyers, and worked in tandem with the national network of adolescent guidance services which provided young people with assistance for psychological and social rehabilitation. Conditions in detention centres had improved considerably, as demonstrated by the fact that no revolt had been recorded over the past five years. Juvenile delinquent girls were obviously detained in separate centres from boys.

48. Ms. RILANTONO, remarking on the impressive number of radio and television stations operating in Peru, asked whether there were any child protection measures other than the obligation for television stations not to broadcast adult programmes before 10 p.m. She pointed out that the Internet could be a vehicle for transmitting shocking pictures and asked what percentage of adolescents had access to multimedia and what measures had been taken to protect them. She welcomed the Government's decision to promote reading and asked whether there were school libraries, even in remote and disadvantaged areas, and whether mobile libraries existed.

49. Ms. MOKHUANE inquired whether children had to pay for extracurricular sporting activities and whether those programmes were available in rural and depressed areas to allow disadvantaged children access to leisure activities.

50. The CHAIRPERSON praised the programme which involved former gang leaders in the reintegration of juvenile delinquents and asked how they were recruited.

51. Ms. CROSBY (Peru) said that the main sports promotion body was the Peruvian Sports Institute, which came under the Ministry of Education. However, the municipalities also played an important role in facilitating children's free access to recreation. They were responsible for providing infrastructure such as stadiums and sports centres for the public. Some municipalities, along with private sports clubs, offered integration programmes for children in socially difficult situations. One of the largest football clubs in the country, supported by UNICEF, offered social assistance programmes.

52. The assistance programme for delinquents using former gang leaders was coordinated by over 50 organizations, including NGOs, and, after two years of implementation, the results were promising. At the outset, 130 former gang leaders had been invited to assist and, subsequently, they themselves had suggested that some of their friends and relatives participate in the initiative. The network now comprised around 5,000 former gang leaders.

53. Ms. SARDENBERG inquired as to how the Government ensured the social rehabilitation and psychological follow-up of children and adolescents who had been displaced as a result of armed conflict. She wondered whether gangs operated only in towns or if they also existed in rural areas, and what priorities had been defined to implement the Convention in the future.

54. Ms. CROSBY (Peru) said there were large numbers of local radio and television stations which broadcast information on local population action plans and which promoted moral values, with a view to eradicating violence in the country. As to education, a distance-teaching programme serving the remotest regions had been started and efforts were being made to equip rural schools with computers. There were mobile libraries, and students in every school had access to an acceptable minimum number of books.

55. Children and adolescents who had been displaced by the armed conflict benefited from an assistance programme for returnees which had been stepped up to cater to orphans. The authorities had been trying to prevent the spread of gangs to rural areas as it was still a predominantly urban phenomenon. Lastly, priority would be given to reducing the various disparities that existed between Peruvian children in order to guarantee human development to the entire population.

The meeting was suspended at 5.25 p.m. and resumed at 5.30 p.m.

56. Mr. DOEK said he was pleased that the Committee now had a reliable and fairly complete picture of the situation in Peru, thanks to the information supplied in the second periodic report, and the written and oral replies provided by the delegation. He noted that due account had been taken of the recommendations formulated by the Committee after consideration of the initial report of Peru, which was most commendable.

57. The Government should make it a priority to reduce the disparities between rural and urban areas with respect to development, and to establish a well-coordinated system for implementing the Convention, bearing in mind the strong decentralization process under way in the country. Health-care access should be guaranteed to all, in spite of the cultural problems encountered in the rural areas. Special attention should also be paid to education, especially with regard to access to education and the quality of education offered. The Committee strongly encouraged the Government to intensify its actions to combat violence, especially street violence. Much remained to be done with respect to protecting children against economic and sexual exploitation. He welcomed Peru's firm resolution to give full effect to the Convention and encouraged the Government to continue cooperating with the World Health Organization (WHO), UNICEF and the ILO and to avail itself, as often as necessary, of technical assistance.

58. Ms. MOKHUANE said she was pleased with the measures taken by the State party to adapt its domestic legislation to the Convention, notably the implementation process of the Children's and Adolescents' Code. However, she was concerned about the limited role accorded to children within the family, the continued recourse to corporal punishment and the maintenance of the death penalty. She invited the Peruvian authorities to continue the education reform process, in order to reduce school drop-out rates, especially among girls, and to improve the quality of mental health institutions.

59. Ms. CROSBY (Peru) said that her delegation was most grateful to the Committee for its careful study of the second periodic report of Peru and its interest in discussion.

60. Mr. VOTO-BERNALES (Peru) reaffirmed his Government's determination to repair the country's torn economic and social fabric and to reintegrate child victims of violence and terrorism into normal life.

61. The CHAIRPERSON welcomed the quality of the discussion between the delegation and the Committee and invited the Peruvian authorities to disseminate to as wide a cross-section of the population as possible the second periodic report as well as the initial report, if that had not yet been done.

The meeting rose at 6 p.m.



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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 607th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 24 January 2000, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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Initial report of Grenada

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GE.00-40516 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Grenada ((CRC/C/3/Add.55) (CRC/C/Q/GREN/1; written replies of the Government of Grenada to the questions raised in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Ms. Hood and Ms. Daniel (Grenada) took places at the Committee table.
2. Ms. HOOD (Grenada), said that, since Grenada's ratification of the Convention on the Rights of the Child in 1992, efforts had focused on bringing domestic legislation into line with the provisions of the Convention. As it was not possible to refer to the Convention in cases of conflict with domestic legislation, she could cite no examples of the Convention having been used in a court of law. In the area of domestic legislation, the Family Court Act had recently been amended and reviewed by the Family Life Issues Committee. An Emergency Shelter for Battered Women and Children and a Child Welfare Authority - the designated protector of all children in the country - had also been established. She noted that all institutions working on behalf of disadvantaged people received an annual subsidy from the Government. Additional developments included the introduction of a Family Life Education programme in every primary school in Grenada, the establishment of a Child Abuse Register and a new project for the placement of young offenders.
3. Since its establishment in 1993, the National Coalition on the Rights of the Child had convened several workshops and seminars to raise awareness of the Convention among non-governmental organizations (NGOs), Government departments and persons working with children and to formulate strategies for expediting the implementation process. Likewise, extensive use had been made of the media to inform and educate people about the importance of issues affecting children. The Government provided support to the National Coalition and to various organizations which promoted the welfare of children. It also conducted community outreach programmes on children's issues.
4. Mrs. MOKHUANE said that the Convention had been used for the past eight years in Grenada as a framework for analysing the situation of children. A number of studies had been conducted and various Acts brought into force, including the Maintenance (Amendment) Act, the Criminal Code Act and the Adoption (Amendment) Act. The National Coalition on the Rights of the Child, in which both the Government and NGOs participated, had been established. The Coalition aimed to raise public awareness of children's rights and was involved in the implementation of the Convention, for example through the introduction of a Programme for Adolescent Mothers. Despite the legislative innovations made, however, domestic law was still inconsistent with the Convention and failed to take account of children's needs. For example, legislation did not embody the principles of article 17 of the Convention in relation to the rights of children with disabilities. Similarly, Grenada did not have an established policy on children in institutions. The report made it clear that data collection was insufficient, and it contained no indicators of the situation of children in areas covered by the Convention. In addition, no information had been provided as to how data were used in the formulation of policies and

programmes. The draft new Education Act of 1998 had been introduced but was inadequate in that it excluded certain groups of children, for example adolescents attending school who had children of their own. Contrary to the requirements of the Act, which stated that the Chief Officer would provide compulsory education for all children, the high proportion of pregnant teenagers in Grenada appeared to be excluded from the education system.

5. The Criminal Code (Amendment) Act addressed such issues as sexual abuse, exploitation, neglect and abandonment, but it did not cover adequately the principles of article 19 of the Convention. Similarly, there was no legislation relating to juvenile justice in Grenada, and the provisions of the existing Criminal Code were inconsistent with article 40 of the Convention. Domestic legislation contained many deficiencies in relation to the Convention; for example, it failed to include the principles of articles 37 and 39.

6. The current status of the Family Court Act, which had been rescinded and replaced by the Family Life Issues Committee, was unclear. She would like to know whether the Committee was responsible for matters such as rehabilitation and counselling.

7. Other areas gave cause for concern. It was uncertain whether a complaints procedure had been established for children whose rights had been violated. There was no overall national plan of action for children. Although it had been stated that training was provided, she wondered whether appropriate provision was made in that regard for teachers and judicial personnel. Lastly, with regard to the national budget, it was unclear what percentage of overall spending was devoted to children's programmes, given that the National Coalition on the Rights of the Child lacked the necessary resources to implement the Convention properly. In that connection, to what extent was international cooperation used to facilitate implementation?

8. Mrs. RILANTONO said that the establishment of a National Coalition on the Rights of the Child was a positive step but that it was unclear how that body coordinated activities and monitored the implementation of the Convention. As it had been stated that the Coalition had been assigned no special budget, she would like to know how it was funded. She would also appreciate details about the progress made in implementing the Convention. In that regard, were non-physical indicators being developed alongside the already well-known physical indicators?

9. Mrs. KARP said that, although she appreciated Grenada's difficulties in addressing the problems it faced, a single body, with a specific plan of action, should be established to focus on children's affairs. Most of the work being done on children's issues was apparently carried out by NGOs. What part was played by the Government in that work? Did a plan of action for children already exist?

10. She asked about the situation with regard to human resources, especially social workers and psychologists. Information would also be welcome on the social security review conducted in 1997.

11. She would also like to know whether Grenada had considered establishing an office of children's ombudsman. Such an official would enhance children's status, deal with their complaints and provide remedies in order to make the provision of services more effective.

12. Mrs. TIGERSTEDT-TÄHTELÄ said it was clear that the National Coalition on the Rights of the Child attempted to highlight legal and administrative deficiencies in the area of children's rights and to lobby for necessary changes. In that regard, had a comprehensive review of domestic legislation been conducted? The National Coalition did not appear to have a mandate corresponding to the aims and principles of the Convention. In that connection, she inquired whether there were plans to establish a coordinating body in order to introduce a more comprehensive strategy.

13. She asked whether income from tourism, which was one of Grenada's main sources of revenue, was allocated to spending on children's rights issues, and whether provision had been made for children within the national budget.

14. Mr. DOEK said that nearly every chapter of Grenada's report concluded with a list of difficulties encountered and suitable recommendations for the future. Paragraph 28 of the report, for example, referred to the fact that there was a flagrant disregard at the legislative and administrative levels for persons with disabilities and, therefore, an urgent need for action. Although the approach adopted was commendable, it should be made clear whether an order of priority had been established within the recommendations made. Paragraph 25 of the report mentioned the planned activities of the National Coalition on the Rights of the Child. He would welcome information on achievements in that regard. For example, to what extent had young people participated in activities to promote the Convention?

15. With regard to the definition of the child, paragraphs 39 and 40 of the report stated that the age limit for purposes of criminal responsibility was 7 years, which was clearly too low. He asked whether Grenada planned to raise the age limit and, if so, who would decide at what age a child was considered sufficiently mature to be dealt with as a criminal.

16. Paragraph 41 of the report stated that alcohol could be sold, delivered or supplied to persons under the age of 16, provided that it was in corked or sealed vessels and was consumed off the premises. Was there a specific reason for that provision and was its abolition being considered? Paragraph 52 of the report stated that children were granted the right to be heard and the right to respect for their views in situations relating to applications for custody. The report also referred to the discretion of judges in such cases. However, discretion was not the best guarantee of the right of children to be heard. Were there any plans to include in the Minors Act referred to in paragraph 53 the unconditional right of a child to be heard by a judge?

17. Mr. RABAH, noting that the initial report of Grenada (CRC/C/3/Add.55) stated that the needs of Grenadian children were not being adequately met, asked why no national plan of action had yet been established. There seemed to be a significant number of NGOs playing an important role in Grenada; what was their level of cooperation with the Government and to what extent had they participated in the preparation of the report?

18. No updated figures had been provided on child services. He would appreciate examples of concern for the best interests of the child and respect for the child demonstrated by courts and administrative bodies. He wondered how inter-country adoption was organized and whether Grenada was a party to the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption. He also requested more detailed information on the National

Coalition on the Rights of the Child, which played a pivotal role in adoptions, and on the Grenada Adoption Board, established in 1994. He would like to know the role played by the family, the schools and the media in disseminating the Convention.

19. Mrs. MOKHUANE asked why Grenada had not ratified International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment, which was an important document for regulating child labour. The Grenada Constitution prohibited discrimination, but the Criminal Code did not seem to offer equal protection for boys and girls as far as sexual offences were concerned.

20. Grenadian programmes addressed the issue of the survival and development of the child, but only up to age 5; did programmes exist for children above 5 years of age? Like Mr. Doek, she wondered how the principle of respect for the views of the child was incorporated in policies and programmes affecting children, especially taking into account the evolving capacity of the child. She asked in that connection whether progress had been made in changing the traditional views of adults that "children should be seen and not heard", that children were the property of adults and that children's rights and parents' rights were incompatible.

21. The National Coalition had been commissioned to review existing legislation, including the definition of the child; how much progress had it achieved? She wondered whether there were plans to lower the age of majority from 21 years to 18 years, in conformity with the trend in most Commonwealth countries.

The meeting was suspended at 10.50 a.m. and resumed at 10.55 a.m.

22. Ms. HOOD (Grenada) said that the National Coalition on the Rights of the Child had been set up in 1994 in a cooperative effort between the Ministry of Women's Affairs and the Grenada Save the Children Fund. It was a unique body in the region because of the harmonious relationship between the State and NGOs which existed in Grenada. For instance, the report had been prepared jointly by the Government and NGOs. The National Coalition consisted of 25 persons, included representatives from every section of Government dealing with child rights and met on a monthly basis. Members were expected to report back to their departments, and the Cabinet and the Permanent Secretaries of all ministries were kept abreast of developments in children's issues. The National Coalition had always been supported by the Government in office because it was regarded as a valued Government partner. The National Coalition had been instrumental in the establishment of the Grenada Adoption Board, which had grown out of concerns about the adoption of Grenadian children outside the country. It had also participated in the establishment of the Child Welfare Authority and the drafting of the Adoption Act.

23. The Adoption Board met on a monthly basis to review both national and international adoption applications. In the case of inter-country adoptions, the Board might monitor children for as long as two years following the adoption, in cooperation with children's agencies and adoption boards in the countries concerned. Prospective adoptive parents were interviewed by the Board in the best interests of the children, who were encouraged to spend a trial period of at least three months in the home of their prospective adoptive parents.

24. Since the preparation of the report, the 14-member Child Welfare Authority had been established to protect the best interests of children in institutions and to supervise and investigate child-care institutions. Its members visited institutions to ensure that children's rights were being respected and also monitored children in foster care. A child to be placed in an institution was the subject of a full report to the Child Welfare Authority, which monitored the institution concerned.

25. The lack of adequate data collection was a recognized fact in the region. Consequently, an appeal for funding had been made to the Organization of Eastern Caribbean States (OECS) and a strategy for data collection in the region had been developed, to be implemented within a few months. The statistical department of the Ministry of Finance was the focal point for data collection.

26. Grenada had worked together with other countries in the region to reform the juvenile justice system. Juveniles had for years been detained together with adult offenders, but the penal reforms would ensure that their interests were protected. Consequently, the Ministry of Social Security was looking into the possibility of constructing separate facilities for juveniles. The United Nations Children's Fund (UNICEF) had been approached the previous year for financial assistance to compile legislation at the regional level, which was more cost-effective than legislation at the national level alone. The draft legislation was under review.

27. The Family Court had been rescinded when the current Government had come into office in 1995 because of a lack of cases. The regular courts set aside a specific day for cases involving family issues, which were heard in camera, and a number of additional magistrates had been hired.

28. The Family Life Issues Committee had made a number of recommendations which had been incorporated into the report. They included a crisis hotline for reporting domestic violence, the introduction of health and family issues into primary schools, rather than at the secondary level only, and the adoption of a national policy making family life issues a core subject in school curricula. The Child Abuse Register had not yet been fully implemented but would come into effect when the social and economic survey was carried out at the end of January 2000. An emergency shelter for battered women and their children had also been set up. The Counselling and Rehabilitation Committee worked in tandem with a clinical psychologist. Training had been provided for judicial authorities and teachers, although not yet for ordinary-court judges.

29. Replying to questions about budgetary allocations and the use of tourism earnings, she said that education received the largest budgetary allocation, which attested to the Government's Commitment to that sector. In December 1999, under the "Vision for the Millennium", it had been decided that every child should receive six years of quality primary education, including the teaching of computer literacy, and a minimum of six years of secondary education, including business and technology studies.

30. Indicators had been developed with a view to promoting the Convention, and the National Coalition prepared an annual work plan for that purpose. The National Coalition, whose youth arm encouraged young people to work together with their peers, included

representatives of the media responsible for informing the community of the Convention and related issues. Thanks partly to the work of the Parent Teacher Associations (PTAs) Grenadians were aware of the Convention and of the needs of children.

31. A "Child Abuse Prevention Month" and a "Child Month" were celebrated once a year, during which the National Coalition hosted talks and radio quizzes and marches were held. One of the Government's chief concerns was abuse, both sexual and physical. Reports of abuse were increasing, which was due not to a rise in the number of incidents but to the fact that people were more willing to report them. A proposal was being formulated to make the reporting of abuse mandatory. NGOs worked in close cooperation with the Government; most of their funding came from local sources, through fundraising or other activities.

32. Teenage mothers were being reintegrated into schools through a special programme, despite initial resistance by the schools. Although their reintegration was not prohibited by law, it was more or less in conflict with cultural tradition. At the time of preparation of the report there had been a shortage of social workers, but training programmes had since been carried out. Social workers were on occasion granted scholarships to study abroad and return to work in Grenada. It was hoped that an ombudsman's office for children would be set up by 2001.

33. Children with disabilities had traditionally been excluded from the school system, but attitudes had changed to the point where specialized institutions for disabled children even existed. However, efforts focused on integrating disabled children into the regular school system, in order to accustom children without disabilities to learning alongside disabled children.

34. While recognizing the importance of children expressing their views, she said it would require time to achieve acceptance of that idea in Caribbean culture. Children were allowed to testify in cases of child abuse, and teachers were encouraged to listen to what children had to say. The new Education Act, which was a regional Act of the OECS, would provide for hearings to enable children to express complaints when they felt they had been treated unfairly.

35. Nursery school was encouraged for children aged 3 to 5; primary education was compulsory from age 5 to 11. Secondary school was not yet universal, although a six-year plan established on 31 December 1999 would provide six years' secondary education for all, including technical and vocational training. Music was taught in all secondary and some primary schools, inter-school sports were organized, drama and debating were encouraged island-wide and schoolchildren were permitted to follow parliamentary proceedings from the lobby of Parliament.

36. With regard to child rights programmes, she said the PTAs were active in informing parents about their responsibilities in caring for their children and about children's rights and obligations. All schools were encouraged to establish PTAs, which had a say in school affairs. Parents had been encouraged to contribute to the review of the draft new Education Act, and educational reform would form part of the forthcoming review of the Constitution, which had been drawn up in 1973 on Grenada's accession to independence. The age of majority was currently 21, but would be reduced to 18, as established in the Adoption Act, when laws on children's issues were brought together in a single text, thus facilitating their monitoring. The Division of Women's Affairs had been represented at the recent ILO regional conference, and

the authorities were considering ratifying ILO Convention No. 138. Child labour was not a serious problem in Grenada, although there were plans to raise the minimum age for employment from 14 to 16 or 18. In any event, most working children were simply assisting their parents at weekends - at market stalls, for instance - rather than engaging in organized employment.

37. A 1999 study had found that boys as well as girls were sexually abused and in need of protection. The reporting situation left much to be desired, but doctors and other professionals were being persuaded to report any cases as a matter of course.

38. The CHAIRPERSON invited Committee members to put follow-up questions to the delegation, followed by questions on civil rights and freedoms and family environment and alternative care.

39. Mrs. TIGERSTEDT-TÄHTELÄ, noting the statement in paragraph 122 of the initial report that the education budget had accounted for 12.5 per cent of the national budget in 1994, asked whether that figure had risen or declined and whether the country's economic situation had since improved.

40. Ms. HOOD (Grenada) said that the country had achieved a 6 per cent economic growth rate in 1999 and that the education allocation had increased. While in general textbooks were still not free, the Government provided them for children who could not afford to purchase their own. A revolving book scheme was being initiated in 2000 and was expected to be fully operational by 2001, enabling every child to have textbooks and removing a ready-made excuse for truancy.

41. Mrs. MOKHUANE, cited the written reply to question 11, to the effect that birth registration and the right to a name posed no problems in Grenada inasmuch as most children were baptized by the age of six months. She asked whether any studies had been conducted with regard to child-naming and identity when parents belonged to a religion in which offspring were not baptized until adolescence. She was also unclear about the conditions for Grenadian citizenship. Flogging was both socially and legally accepted and used as a routine sanction: were there any plans to change that situation, in the interest of children's dignity? She would also appreciate further information with regard to Grenada's media policy.

42. She asked whether parents recognized that there were areas of children's lives in which respect of their privacy was vital, whether a child's freedom of association, provided for in the Constitution, was effectively respected, and whether children were free to join a religion different to that of their parents. If so, what was the parent's reaction? She was still concerned at the possibility of police brutality, despite the claim that it did not exist.

43. Mrs. KARP commended the authorities on the fact that the National Coalition had been a government initiative, but said she was unclear about the Government's share in funding the Coalition beyond budget allocations to special projects. She wished to know who was actually responsible for dispensing the care stipulated in the Act to Govern the Care and Protection of Children at Risk and which were the child welfare and protection authorities. As there was apparently no single body which dealt with children at risk, she asked whether the government authorities or NGOs were responsible, and where the Government's responsibility was defined.

44. She was happy to learn of the social services' plan of action, which she hoped would be comprehensive and multidisciplinary and would focus not solely on social services, but on the entire field of children's rights and development. In the interest of holistic attention to children's needs, she asked when the pending recommendations of the Family Life Issues Committee would be implemented, as piecemeal implementation might jeopardize the unity of the measures advocated. She asked what measures were in place to make the child-abuse complaint mechanism meaningful, not only by assisting children in the courts, but by providing them with treatment and rehabilitation services. How many child psychologists and social workers were there in Grenada? The sole clinical psychologist working in the country was inadequate even for a small juvenile child population of 3,000, most of whom would require counselling of some kind during adolescence.

45. She was distressed that corporal punishment, which ran counter to all the basic principles of respect for the dignity of the child, was not prohibited by law. Provision was made for such punishment in the Criminal Code, and it was accepted by families, sometimes in extreme forms. She asked whether there were any plans to institute alternative measures consisting of dialogue with children, such measures should form part of all campaigns against child abuse, which did not denote sexual abuse alone.

46. Ms. HOOD (Grenada) said that the identification of children in Grenada raised no problems. No child could be enrolled in primary school - which was compulsory from the age of 5 - without a birth certificate bearing a name, even if he or she had not yet been baptized. Furthermore, any child born on Grenadian territory, or elsewhere of Grenadian parents, was a Grenadian citizen.

47. It was true that flogging was still on the statute books, but many people abhorred it and tried to encourage alternative methods of punishment, especially through the PTAs. Corporal punishment had been eliminated in the draft Education Act, although the Act had not yet become law. While the media were instrumental in sensitizing the population to the indignity of corporal punishment, there was considerable resistance from churches and from parents. The video "Olivia's Plight" was used as a means of encouraging alternative sanctions. It showed that an abused child might become an adult abuser and that the approach of zero tolerance of violence against women must go hand in hand with the abolition of corporal punishment. Referring to the country's media policy, she explained that it was illegal for the media to report the name or print the photograph of an abused child. With the help of the media, the population was becoming increasingly aware of abuse issues.

48. The need for privacy was recognized, and pupils over 18 were able to receive their school reports directly. However, the Convention was a new feature in the lives of Grenadians, whose traditional attitude as parents was that their word was law. It was also difficult to monitor privacy in the home. Having legislation was one thing; enforcing it was another. To the question whether children's freedom of association was respected by parents, she replied that the authorities hoped to impress on parents that the aim of promoting children's rights was not to deprive them of their own rights, but to ensure that children exercised theirs. While children wishing to practise a religion different to their parents' might pose a slight problem, Grenadian parents were more interested in their children attending church at all than in which religion the children chose. She was at a loss to understand where the rumour of police brutality could have

originated. Child welfare services were the responsibility of the Government, which was fully aware of its obligations. It did, however, encourage participation by other institutions and subsidize them to that end.

49. The Ministry of Social Services, through its Child Welfare Authority, bore sole responsibility for children, although other agencies also worked on children's issues. In 1997, a review of the Ministry of Social Services had been conducted by the Family Life Issues Committee. A number of the Committee's specific recommendations had been implemented: for example, the number of social workers had been increased, one clinical psychologist was now employed in Grenada and the need for more was recognized, the Child Abuse Register had been set up and ongoing training for social workers was now being provided. The recommendation that a social worker should be on call 24 hours a day had been implemented, although the system was not yet operating with optimum efficiency. The proposed crisis hotline and emergency shelter arrangements had both been introduced. The child maintenance payment had been raised to EC\$ 25 and a rehabilitation and counselling team had been established within the Child Welfare Authority. The recommendation to give magistrates and judges the authority to place young offenders at the Bacolet Project had not yet been implemented but was under consideration. The penal system was also under review. Although the Public Relations Department of the Royal Grenada Police Force was not open 24 hours a day, an officer responsible for children's issues was permanently on call.

50. Based on the findings of a poverty assessment survey funded by the Caribbean Development Bank, the Government was considering the issue of drawing up comprehensive national plans of action not only for children, but also in areas such as women's issues, young offenders, the economy and rural development.

51. A budget of EC\$ 50,000 had been allocated to the National Coalition on the Rights of the Child for 2000. The Coalition had operated through 1999 in conjunction with the Grenada Save the Children Fund (GRENSAVE), and had received funding from external agencies such as UNICEF and the United Nations Development Programme (UNDP). The Government had begun subsidizing GRENSAVE's salary costs. Many members of the Coalition also belonged to other organizations dealing with children's issues, and established projects within those organizations which related to the work being done by the Coalition.

52. Mr. DOEK requested further information about the divorce rate and the number of children affected by divorce. He would also like to know what proportion of children were born out of wedlock and how the fathers of such children were identified. He asked what measures were in place to ensure that fathers, especially those who moved abroad, paid maintenance for their children.

53. He asked whether the National Children's Home Action for Children was responsible for organizing foster care. If so, he would appreciate information about the selection of foster families and the support given to them by the organization. He requested information on how long children usually stayed in the three homes mentioned in paragraph 91 of the report, and asked whether any programmes were in place for returning those children to their natural families or arranging foster care or adoption if necessary. He would also like to know why the

rate of inter-country adoption was so high and asked whether the Government was considering acceding to the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.

54. Mrs. RILANTONO requested clarification of the status of the National Coalition on the Rights of the Child. If it was a non-governmental organization, she would like to know whether there were plans to make it semi-governmental in order that the Government might assign it a budget, thus increasing its power to implement the envisaged national plan of action for children.

55. She welcomed the Programme for Adolescent Mothers and the fact that most adolescent mothers returned to school. However, she would like to know what happened to the children in such cases.

56. Noting that a child not registered at birth was given another opportunity to be registered on enrolling in school, she asked whether there was a high school enrolment rate. Were penalties frequently applied to parents who did not ensure that their children attended school through the age of compulsory education? She would also like to know how the Government intended to finance the extension of compulsory education beyond 14 years of age, given that only 12.5 per cent of the national budget was currently spent on education.

57. Mr. RABAH, referring to paragraph 54 of the report, asked what happened if a child was not registered within the two months permitted for the alternative registration procedure. The Government was said to be responsible for child-care institutions; however, no information was given in the report on how such institutions were monitored. He asked whether NGOs played a role in that area. He would also like to know whether there were bilateral agreements between Grenada and its neighbours on inter-country adoption. Citing paragraph 92 (c) of the report, he asked for clarification of the "certain age" at which children not placed in foster care or adopted had to leave care institutions. He would also like to know who was responsible for taking the decision that the child should leave the institution.

58. Mrs. TIGERSTEDT-TÄHTELÄ asked whether it was true that 10 per cent of children were not registered at birth and, if so, what was being done to address the problem, especially considering that legislation covering it was in place. She would also like to know whether children who were not registered until they enrolled in school were able to receive care in their pre-school years. She requested additional information as to which sectors of the population did not register births. She would also appreciate clarification of the statement in paragraph 56 of the report that a child born in Grenada to "a citizen of an enemy country" did not have the right to acquire Grenadian nationality. Lastly, she would like to know whether the planned institution of ombudsman was to be established by law, what its mandate would be and whether it would be independent.

59. Mrs. MOKHUANE asked whether any cases of family reunification had been denied due to inability to pay the departure tax referred to in paragraph 71 of the report. She would like to know whether the Government was now involved in the provision of foster care, which the report stated had previously been the responsibility of NGOs. Paragraph 87 of the report indicated that most adoptive parents lived outside Grenada. She would like to know why children were adopted only to be left behind in Grenada with relatives of the adoptive parents,

and how such parents could play any role in the day-to-day upbringing of their children. She also inquired why more girls than boys were adopted and what was being done to correct that situation.

60. Noting that the issue of parental responsibility was being addressed through parent-teacher associations, she asked how parents were responding to being educated about their responsibilities. Much attention was focused on teenage mothers; she would like to know whether any programmes were in place to address the role of both teenage fathers and fathers in general.

61. Mrs. KARP noted that the draft Education Act contained a provision allowing the Minister of Education to prohibit the use of corporal punishment in any school, which implied that corporal punishment would continue to be permitted in other schools. She would like to know what the reaction of the public had been to the awareness-raising campaigns conducted on that issue. The Government should take the opportunity to use the Education Act to ban the use of corporal punishment in all circumstances.

62. The description given of the Child Welfare Act did not mention any provision establishing standards for care institutions, as required by article 3 of the Convention. She would like to know whether such standards were provided for in the Act. Moreover, did the members of the rehabilitation and counselling team in the Child Welfare Authority receive any special training to cope with cases of incest? Assuming that secondary schooling did not end at the age of 16, she asked whether there was a link between the high drop-out rate and the fact that child maintenance was provided only up to the age of 16.

The meeting rose at 12.55 p.m.



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 608th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 24 January 2000, at 3 p.m.

Chairperson: Mrs. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Grenada (continued)

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-40532 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Grenada [CRC/C/3/Add.55; CRC/C/Q/GREN/1; written replies to the questions raised in the list of issues (document without a symbol distributed in English only)]

1. At the invitation of the Chairperson, the members of the delegation of Grenada resumed their places at the Committee table
2. Mrs. HOOD (Grenada) said that the divorce rate in Grenada was not very high; many households were run by single mothers who very often did not reveal the father's identity. When a child had been recognized by the father, the mother could ask for child support. If the child was not recognized, it had for some time been possible for a judge to order affiliation proceedings on the basis of a DNA test. In the case of a divorce, the father paid maintenance for children enrolled in school, up to the age of 18. However, no remedy existed in cases where an emigrant father did not pay maintenance voluntarily. Since 1995 the legislation enabled out-of-wedlock children to inherit from their fathers.
3. Foster care had existed for a long time in Grenada, but took place on an unofficial basis. Mothers who emigrated to North America or Europe left their children with members of their family until they were able to send for them. Most adopted children were adopted by emigrant parents, who wished in particular to help pay for their studies. In such cases written consent was required from the father and mother remaining in Grenada.
4. The Child Welfare Authority, established in 1999, was responsible for inspecting institutions caring for children and especially for ensuring observance of the legislative provisions protecting children as to the length of stay in such institutions, conditions for release and visiting rights.
5. The Adoption Board, established in 1994, supervised all adoptions, in particular by establishing contacts with the child welfare services of other countries in order to check up on the well-being of children adopted by foreigners. However, Grenada did not encourage intercountry adoption (there were only a dozen such cases per year on average).
6. Regarding the choice to adopt girls rather than boys, it was difficult to go against families' personal preferences. In most cases, the children were adopted by members of the extended family.
7. As far as cooperation with non-governmental organizations (NGOs) was concerned, the Government was represented on the National Coalition for the Rights of the Child, comprising representatives of NGOs, whose objective was to implement the provisions of the Convention. The Coalition had recently begun receiving a State subsidy, and the members of its governing body were elected.

8. Teenage mothers who wished to resume their studies were able to place their children in day care centres or nursery schools. Fathers, especially those who had recognized their children, were also encouraged to help raise the child.
9. The age of mandatory schooling had been increased to 16, but it was not unusual for children to be older than 16 on completing their secondary studies.
10. Regarding the information to the effect that 10 per cent of births were not declared, it was true that not all births were registered immediately - extra time was allowed when the mother gave birth at home - but that was becoming less and less usual, as women were encouraged to give birth in hospital; moreover, a birth certificate was compulsory to register a child in a day care centre or in school or to obtain health benefits for him or her.
11. The concept of "enemy country" applied to countries which did not have relations with Grenada.
12. An ombudsman's post was shortly to be established by decree, and funds would be allocated for the ombudsman's activities.
13. With regard to the deterrent effect of the tax collected for all children leaving Grenada for the purpose of family reunification, she said the amount requested (about \$50) was nominal in comparison with the cost of an aeroplane ticket, and derogations could be granted in certain cases.
14. The Child Welfare Act designated the Child Welfare Authority as the body responsible for establishing standards for the operation of children's institutions. Since its establishment the Authority had inspected all children's institutions and placed each of them under the responsibility of one of its officials. The Authority was also responsible for the training of staff working in children's institutions.
15. The association National Children's Home (NCH) Action for Children was the only association dealing with foster care. It was State-subsidized and its activities were supervised by the Child Welfare Authority. The Authority was also responsible for the establishment of precise guidelines concerning placement of children, preparation of foster families and the possibility of children returning to their natural families.
16. Although the Education Act contained no provisions on the subject, the Government believed that corporal punishment should not be used in schools, but its view encountered strong resistance. It intended to delve further into that question, and all questions relating to violence in the country, at a later date.
17. To combat the increase in cases of ill-treatment and incest, the Government was in the process of enacting very strict legislation which did not tolerate any of those acts. The Child Welfare Act and the Domestic Violence Act provided for psychosociological assistance for those responsible for violence. Assistance was also provided for the victims, individually or together with their families.

18. More than the failure to pay maintenance, the main causes of children dropping out of school were the high level of emigration of natural parents, inadequate children's care and juvenile crime. The Government had set up a programme for children aged 14 and above who were under-achievers in school, designed to provide them with basic skills and help them integrate into society. It tried to assign as many resources as possible to the education of young people.

19. Mrs. TIGERSTEDT-TÄHTELÄ asked how children not registered at birth, especially children under six months of age, were followed medically.

20. Mrs. DANIEL (Grenada) said that all children received medical coverage, whether or not their birth had been registered. The primary health care programme contained a chronic illness component and a mother-and-child health component. Pregnant women were followed medically and gave birth in hospital, except in emergency cases. After delivery, the child received comprehensive medical attention (vaccinations, etc.).

21. The CHAIRPERSON noted that the delegation had not replied to the questions concerning the decision to release children placed in institutions, the ratification of the Hague Convention and the minimum age for purchase of alcoholic beverages.

22. Mrs. HOOD (Grenada) said that the Child Welfare Act contained clear provisions regarding the length of children's stays in institutions. The Government provided assistance to families which agreed to receive children when they left such institutions, in the form of an allowance covering maintenance for the child and the purchase of uniforms and books. Concerning the sale of alcohol to minors, even if the legislation was not always applied, the Government had taken a number of measures in the last three years, one of which was to prohibit the sale of alcohol in places where inter-school and inter-university sports events were held.

23. The CHAIRPERSON invited the members of the Committee to ask questions on the monitoring of the Convention, basic health and welfare, education, leisure and cultural activities and special protection measures.

24. Mrs. MOKHUANE asked how children were protected against domestic violence in the legal sphere, in particular, and against abuse and negligence. Were absentee fathers common, and if so, what role did such fathers play in raising their children and what measures did the State party take to strengthen the self-image of small boys lacking male role models?

25. She would appreciate explanations of the fluctuations noted in the rates of infant mortality, immunization coverage and incidence of sexually transmitted diseases, and information on the progress achieved in the area of breastfeeding since the 1995 campaign.

26. She would like to know the incidence of HIV/AIDS and whether Grenada had adopted a specific policy for protecting children against AIDS since the preparation of the report.

27. Teenage pregnancies were frequent; was it known what proportion of such pregnancies was due to incest? In addition, there were numerous suicide attempts among teenage girls.

Had there been an effort to find out the reasons for their attempts and to establish which suicide methods were used most frequently? Was psychological assistance available for teenage girls in distress?

28. What was done to make life easier for disabled children and to provide them with free access to school buildings? Had other countries' standards on access for the disabled been studied?

29. She welcomed the fact that no malnutrition problems existed, but wondered whether measures were taken to prevent vitamin deficiency and anaemia. Finally, she would like to know whether progress was being made in decentralizing the health services, whether studies had been made of the extent to which the health services were used and whether the sickness insurance system covered the low-income and unemployed sectors.

30. Mrs. KARP asked whether the legislation set a threshold for the number of qualified staff members to be assigned to every children's institution and a time period following which placement decisions had to be reviewed. She would like to know the composition of the team recently established to combat incest and sexual abuse. She noted that the State party was eligible for technical assistance in establishing a juvenile justice system.

31. Mrs. RILANTONO said she was concerned at the number of teenage pregnancies and asked whether the school curricula included sex education. She was not clear whether the legislation explicitly prohibited abortion.

32. She would also appreciate information on the causes of the very high rates of failure of school examinations and on the level of development of school libraries. Lastly, she asked whether the youth organizations were all purely leisure-oriented or whether some were linked to political parties.

33. Mrs. HOOD (Grenada) said that a very complete bill against domestic violence, which included protection of children, the role of the police, obligation for the guilty party to receive treatment and the possibility of obliging the guilty party to leave the home, had been prepared with the help of the police, religious authorities and society at large, based on the legislations of other countries in the region; the bill would be submitted to Parliament for approval very shortly.

34. Some 45 per cent of households were single-parent households, but in most cases the father visited the children frequently. It was a deeply-rooted custom in Grenadian culture for a father not to live with the mother and children, and such a situation was regarded as acceptable. That custom was on the decline, however, owing to the growing use of contraception and to changes in attitudes, with younger couples preferring to live together. However, the problem of lack of male role models for little boys was not neglected and the Division of Women's Affairs had set up a mentoring programme to help boys establish ties with men from the community who would provide good role models.

35. The high proportion of women who did not breastfeed was due to the fact that they returned to work only three months after the birth. The actual situation was more complex, however, as in general children were bottle-fed during the day but breastfed at night after the

mother had finished her working day. Awareness-raising campaigns and a UNICEF-sponsored programme were being conducted, and teenage girls in homes for single mothers were encouraged to breastfeed their babies.

36. The Government was actively engaged in promoting birth control and preventing sexually transmitted diseases. Sex education, including awareness-raising with regard to HIV/AIDS, was included in the school curricula and in poster, radio and television campaigns. Contraceptive pills and condoms could be obtained free of charge. It was not known how many pregnancies had been due to incest. Incest victims were generally reluctant to speak out; when they did, the case was brought before the courts and psychological counselling was provided to both victim and perpetrator. In addition, social workers received special training to enable them to detect possible cases of incest and provide assistance.

37. In a country as small as Grenada, the entire population was upset by every case of adolescent suicide. In 1999, two youths apparently without problems had taken their own lives. As always under such circumstances, social workers from the Ministry of Education had gone to their school to provide their classmates with psychological counselling. The most commonly used method of suicide was hanging and the second most common method was substances taken internally.

38. There was a bus service for taking disabled children to school and to specialized activities, and all newly-constructed public buildings were equipped with access ramps.

39. The incidence of gonorrhoea among young people was due to the fact that infected older men believed they could cure themselves by having sexual relations with girls. That practice was included in a law characterizing sexual relations with minors 16 or younger as rape, and gonorrhoea was expected to decline in the coming years as a result.

40. Abortion was illegal in Grenada, except in cases where the pregnancy endangered the mother's life.

41. Health care was accessible to all, including unemployed people and the most disadvantaged people, who received free medicines. As part of the decentralization of the health services, clinics had been established in all the districts. The Steering Committee recently established in the Ministry of Health was aimed at reforming the public health system. In addition, the Child Welfare Authority was required to take measures to enhance the protection of children. The treatment and rehabilitation teams, which included social workers and members of the police, received refresher training in order to provide abused children with the best possible assistance. A separate juvenile justice system was currently being prepared on the basis of a broad series of consultations held throughout the country.

42. Health classes were held at the primary school level. Secondary education was not yet accessible to all, and being forced to stop school was often perceived as a failure. Secondary school enrolment for all children was one of the Government's objectives. Every school had its own library. Children who so wished could join cultural, religious or political organizations, but the latter had never been very popular with young Grenadians.

43. Mr. RABAH drew attention to a report prepared by a number of NGOs represented on the National Coalition for the Rights of the Child, which painted a rather negative picture of the situation of children in Grenada, in particular where education and juvenile justice were concerned. According to the report, the recidivism rate among young offenders in some districts was approximately 50 per cent and the school drop-out rate over 60 per cent. The authors of the report made a point of establishing a link between those two figures. Could the delegation provide clarifications in that connection?

44. Mrs. HOOD (Grenada) said that, although she was not aware of the report in question, she was certain that the rate of school attendance was much higher than the figure given.

45. As Chairperson of the Prison Monitoring Committee, she was in possession of some very accurate data concerning children in prison, of whom there were currently three. In recent years, the social services had cooperated with judges to obtain alternative sentences for most young offenders. From 1995 to 1999, of some 120 young offenders convicted, only 20 or so had reportedly committed a second offence. She noted that no recidivism had been reported among young people who had followed the classes conducted by the Prison Education Service.

46. Mrs. MOKHUANE said she was surprised to hear the information supplied by the delegation to the effect that pupils perceived being obliged to leave school as a failure even when it was simply a question of financial considerations. Were the authorities aware of the psychological harm such feelings caused to children? In which areas was the lack of textbooks felt? How had the school curricula been reformed?

47. Much remained to be done in the area of sanitation, as the high number of pit latrines still existing in the country seemed to explain the frequent cases of gastroenteritis. Had measures been taken to combat coastal pollution and to monitor water quality? Finally, she asked the reason for health workers' lack of motivation and whether consideration was being given to increasing the Ministry of Health budget.

48. Mrs. KARP asked to which services teenagers could turn for help, especially in the psychological area.

49. Mr. DOEK encouraged the Grenadian authorities to ratify the ILO Minimum Age Convention, 1973 (No. 138), thereby raising the age of admission to employment from 14 to 15.

50. Mrs. HOOD (Grenada), noting first of all that children attending a private school could nearly always continue their secondary schooling in the same school, said that the results of the examination for admission to public secondary education were not posted in order not to upset the children. In any event there were plans gradually to eliminate that examination. Textbooks, which were as yet too costly, differed from one region to another, but the authorities were attempting to introduce a textbook lending system and to standardize teaching materials throughout the island. NGOs and private companies provided scholarships for the neediest pupils. Grenada had been the first of the Caribbean islands to equip schools with computers, and the school curricula had been revised to take account of the new technologies, in particular data processing.

51. Mrs. DANIEL (Grenada) said that sanitation in the country was improving, which should lead to a decrease in cases of gastroenteritis. A central sewage system was operating in Saint George's and there were plans to connect all the heavily-populated urban areas to the system. The Ministry of Health environmental services were in charge of water monitoring. As the low rainfall during the dry season always raised health problems, an initiative had been launched to pump water from a large lake and distribute water resources equally throughout the territory.

52. Health workers did lack motivation; they knew that employment conditions were better in some of the neighbouring countries and were therefore tempted to seek jobs abroad.

53. Mrs. HOOD (Grenada) said that the Child Welfare Authority would shortly be establishing a body to which abused children - who already had access to a special telephone line - could submit complaints. Teenagers not enrolled in school were included in an activities, support and consultation network. In addition, the University of Saint George's provided refresher training for anyone who wished to raise his or her educational level. The suggestion concerning the ratification of ILO Convention No. 138 would be transmitted to the authorities.

The meeting was suspended at 5.05 p.m. and resumed at 5.15 p.m.

54. Mrs. MOKHUANE noted with appreciation that the State party's report had been prepared according to the Committee's guidelines, that the delegation had included detailed information on the situation of children in Grenada in its preliminary observations and that the delegation included representatives of NGOs which were members of the Coalition for the Rights of the Child, whose knowledge of policies on children and of children's institutions had enabled the Committee to make a complete assessment of the situation regarding the human rights of children in the country. The Committee welcomed the establishment of the Coalition, whose mission was to coordinate, administer, evaluate and implement the principles of the Convention; she recommended that the Government should pursue its efforts to increase the Coalition's financial and human resources.

55. Despite the various programmes conducted and the efforts made to achieve legislative reforms, much remained to be done, especially in the area of juvenile justice. The Committee suggested that the Government of Grenada should prepare a general children's code in order to bring the country's legislation into conformity with the Convention in that area. Grenada might request technical assistance from the Office of the High Commissioner for Human Rights for that purpose.

56. Another area where progress was needed was data collection, but the Committee noted that the Government of Grenada was working towards that objective.

57. The Committee was particularly concerned at the question of the definition of the child and requested that the Government of Grenada should continue its legislative reform in that area. It was willing to believe, as the delegation had stated, that birth registration raised no problems in Grenada.

58. The Committee regretted that there were no policies for combating HIV/AIDS and sexually transmitted diseases, although it noted that a workshop on HIV/AIDS had been held.

59. The Committee welcomed the initiatives taken to address the problem of violence in the family and to raise children's self-esteem in school and the family.

60. In the field of education, the Committee appreciated the construction of new secondary schools and the fact that dropping out of school was a problem of limited scope in Grenada. The Committee commended the food programme operating in pre-school and primary school establishments and the high quality of textbooks.

61. The Committee also welcomed the Government's efforts in connection with the Family Court.

62. The situation regarding special protection measures remained disturbing. The system as a whole needed to be restructured and reorganized.

63. The Committee encouraged the Government of Grenada to ratify ILO Convention No. 138 and the Hague Convention relating to intercountry adoption.

64. The Committee recommended that the Government of Grenada should disseminate the report throughout the country and continue its training programmes for people working with children and awareness-raising efforts among judges.

65. Mrs. KARP welcomed the efforts made to change people's attitudes and bring them to regard children as subjects of law and active members of society, a concept which conveyed respect for the child and his or her dignity.

66. Regarding violence against children, it was necessary to set up appropriate structures to provide protection, treatment and rehabilitation for child victims. There was a need to increase financial resources designed to provide professionals, especially social workers and psychologists, with the means of doing their work.

67. Mrs. HOOD (Grenada) said that the Government and people of Grenada were aware of their responsibilities in the area of protection of and respect for children. All the necessary procedures would be put in place. The Committee's recommendations and concerns would be brought to the attention of the Government of Grenada, which would use them as a basis for formulating concrete measures.

68. The CHAIRPERSON said that she was concerned at the question of early pregnancy and the impact of single-parent families on children's well-being. She recommended that the Government should take adequate measures, on a preventive basis, to counteract any risk of the scourge of sexual exploitation being inflicted on the children of Grenada. In conclusion, she said that the Committee did not doubt the State party's ability to meet the challenges which remained.

The meeting rose at 5.35 p.m.



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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 609th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 25 January 2000, at 10 a.m.

Chairperson: Mr. DOEK

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of South Africa

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GE.00-40536 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of South Africa (CRC/C/51/Add.2) (HRI/CORE/1/Add.92; CRC/C/Q/SAFR/1 (list of issues); written replies of the Government of South Africa to questions raised in the list of issues (document with no symbol distributed in the meeting room))

1. At the invitation of the Chairperson, the members of the delegation of South Africa took places at the Committee table.
2. The CHAIRPERSON extended a warm welcome to the delegation of South Africa and said that, considering the suffering experienced under apartheid and its continuing effects on the country's development, it was indeed a miracle that the committee should be receiving a delegation from a democratic South Africa.
3. Mr. PAHAD (South Africa) said that the damage inflicted on his country by apartheid could not be underestimated. The resulting underdevelopment permeated South Africa's political, economic and social structures. Children had played an important role in the struggle against apartheid, and had paid a high price, sacrificing their youth for justice, freedom and liberation. In the mid-1980s the infant mortality rate had been 50 per cent, many of those deaths due to preventable diseases, while vaccination coverage in black areas had been less than 50 per cent.
4. The education system under apartheid had been characterized by underfunded, under-resourced and ill-equipped township schools. It would require time and determination for the Government and educators to correct those gross inequities.
5. Women and children had been particularly vulnerable to the impact of political violence. In one province alone, nearly 100,000 children had been displaced because of violence. Thousands had been orphaned, abused and traumatized; others had paid with their lives. Some South African children had been born in prisons because their mothers had been detained, while thousands of others had themselves been detained for no reasonable cause.
6. Despite the improvements in the lives of children since the introduction of democracy, the legacy of apartheid - two nations, one black and poor and the other white and prosperous - still posed a challenge for society. South Africa continued to call on the international community to help with its reconstruction and development process, which placed emphasis on dialogue and consultation. Many non-governmental organizations (NGOs) had participated in the preparation of the report before the Committee, attesting to the Government's belief in a partnership with civil society.
7. By ratifying the Convention on the Rights of the Child, the South African Government had committed itself to promoting the rights of children and the principles enshrined in the Convention and upheld in the South African Constitution. It created an enabling environment for child-focused service delivery through the National Programme of Action for Children in

South Africa (NPA), which had been designed by a broad-based group of child rights advocates, liberation movement activists and development workers prior to the democratic elections. After the elections the new Government had taken over the NPA for use as an instrument to implement the provisions of the Convention.

8. The NPA, in coordination with the Minister in the President's Office, approached children's issues holistically and served to "mainstream them" into the portfolio of all departments. Provincial Programmes of Action existed in all nine provinces and local Programmes of Action were being developed in some municipalities. The Government planned to intensify its work with local government authorities.

9. After ratifying the Convention, South Africa had immediately sought to bring its laws and policies into line with the Convention's provisions. During apartheid, customary law had been considered inferior to Roman-Dutch common law; however, the new constitutional dispensation had improved the status of customary law, which was being harmonized with statute law.

10. With regard to general measures of implementation, the Government of South Africa had sought to establish a partnership with civil society, generally recognized as one of the most efficient mechanisms for coordination of policies and programmes. Mechanisms introduced to give effect to its international commitments included the establishment of a Joint Monitoring Committee on the Improvement of Quality of Life for Children, Youth and Persons with Disabilities, and a national public-awareness campaign on the rights and responsibilities of children, which had included the distribution of a publication on the implementation of the Convention translated in all 11 official languages. The media were used to educate the public about the Convention and the NPA, Government departments participated actively in public awareness campaigns and the relevant reports of the Committee were distributed throughout the country.

11. Concerning the definition of the child, he said that the South African Constitution defined a child as a person under 18 years of age. As that definition was not uniformly applied in domestic legislation, efforts focused on bringing it into line with the definition of the child contained in the Convention and the Constitution. He noted, however, that the Constitution remained the supreme law of South Africa.

12. With regard to general principles, the Cabinet had approved the introduction in Parliament of the Promotion of Equality and Prevention of Unfair Discrimination Bill, which contained a specific provision relating to children.

13. In the past, the "best interests" principle contained in article 3 of the Convention had applied almost exclusively to children in divorce cases, but it was now a constitutional principle underpinning all Government policies and programmes. The current challenge was to ensure that the best interests of the child were considered in every matter by all interested parties. Its counterpart, children's participation, was a goal of the Government and State institutions. Children had actively participated in the South African Law Commission's consultations, the

review of the Child Care Act and the establishment of a juvenile justice system. The Schools Act of 1996 called for participation by children in school governing bodies, as full members with the same rights as parents and teachers to vote and express their opinions.

14. Turning to civil rights and freedoms, he said that the Promotion of Access to Information Bill shortly to be approved by Parliament gave effect to the constitutional right of access to any information held by the State. There was an ongoing programme to ensure that all schools were equipped with libraries and government and industry cooperated to provide children with access to the Internet by donating computers to schools and community centres.

15. Nevertheless, the Government was fully aware of the potential negative impact of the Internet on children and was attempting to curb its use for child pornography and other forms of exploitation of children. In that connection, the Films and Publication Act made it an offence knowingly to create, produce, import or possess a publication which contained a visual presentation of child pornography.

16. The National Directorate of Public Prosecutions, established in 1999, focused on protecting women and children against violent offences through effective prosecution of cases. The identity of a child who testified in court was not disclosed, and testimony was given using closed-circuit camera to protect the child from secondary abuse. Corporal punishment had been abolished in 1997 under the Abolition of Corporal Punishment Act; it was prohibited in schools under the South African Schools Act and in children's institutions under the Child Care Act. Guidelines had been developed for parents and teachers on alternatives to corporal punishment, and a pilot system, based on the principles of the Convention and the Constitution, had been launched to monitor the residential care facilities under the Government's responsibility.

17. Concerning family environment and alternative care, a new Maintenance Act, approved by Parliament in 1998, marked the beginning of a reform process for maintenance. It introduced a core set of principles relating to the duty of parents to support their children and provided for the extension of the court's discretion to order payment of maintenance by a respondent's employer. Family court centres had been established in six provinces to bring all courts dealing with family-related issues under the same roof, develop an appropriate atmosphere, and facilitate the provision of psychological, sociological and mediation support services. The Domestic Violence Act recognized domestic violence as a serious social evil and an obstacle to achieving gender equality and a healthy family environment. It offered protection to victims of domestic violence and enabled minors or their representatives to apply to the court directly for a protection order. The court might even refuse an alleged abuser all contact with an abused child in the best interests of the child.

18. Turning to basic health and welfare, he said that one of the biggest challenges facing the South African Government and the entire African continent was HIV/AIDS, which was having a devastating effect on the country. The Government's multi-faceted approach to HIV/AIDS included mobilizing resources, educating the public on methods of prevention and care, providing alternative care for children left orphaned by AIDS, strengthening the health care system, preventing discrimination against HIV-positive students in schools, and working with NGOs and civil society to create support networks and care centres for victims. The Government was fully committed to combating the AIDS pandemic, and in that connection, had

established a National AIDS Council to work for the effective involvement of all sectors and organizations in the implementation of HIV/AIDS-prevention programmes. The Government was also addressing the issue of male circumcision which was guaranteed as a cultural practice by the Constitution, and had developed guidelines on the prevention of morbidity and mortality in connection with circumcision procedures.

19. Regarding education, leisure and cultural activities, "Curriculum 2005" was a comprehensive plan which had been devised to reform the education system and had significantly narrowed the gap between the privileged and the underprivileged. A major goal of the Government was to reduce illiteracy within the following five years, to which end large-scale programmes were shortly to be instituted in partnership with civil society and the corporate sector. A partnership model had also been developed by the Department of Sports, Arts, Culture and Technology to ensure access to sports and cultural activities.

20. Turning to special protection measures, he said the Government recognized that the situation regarding the protection of children was unsatisfactory. In 2000 it planned to develop, together with the NPA, a comprehensive strategy on special protection measures based on a holistic approach to the protection of children. A Bill on Juvenile Justice had been drafted and would establish a new system for dealing with children accused of crimes. In the interim, limited legislative amendments had been made and a number of pilot projects had been launched in that regard.

21. The Government was committed to the protection of children against all forms of exploitation. A sexual offences and community affairs unit had been established within the National Directorate of Public Prosecutions and the 1957 Sexual Offences Act was being reviewed for conformity with the Convention. One core programme within the Government's National Crime Prevention Strategy was the Victim Empowerment Programme, which focused on re-engineering the criminal justice system in order to take the needs of victims into account.

22. South Africa had been readmitted to the International Labour Organization (ILO) after years of isolation and had played an important role in negotiating the text of the ILO Worst Forms of Child Labour Convention (No. 182) and Minimum Age Convention (No. 138). Parliament had approved the Basic Conditions of Employment Act, which prohibited the employment of children under 15 years and protected 15-18-year-old children in employment. The Constitution recognized the need to protect the rights of cultural, religious and linguistic communities. A Language-in-Education Policy was applied in schools to address the diverse language needs of South African students.

23. South Africa was a young democracy prepared to tackle the challenges involved in developing a children's rights culture. In the words of Oliver Tambo, prominent leader of the liberation struggle, true liberation would not be achieved unless children were guaranteed the right to life, happiness and free development.

24. Mrs. OUEDRAOGO thanked the delegation for an insightful initial report, whose structure complied with the Committee's reporting guidelines. However, the report lacked adequate information on the practical implementation of the Convention. It emphasized the

detrimental effect of apartheid on the child rights situation, whereas an evaluation of current policies and programmes would have been more useful to the Committee's understanding of the situation.

25. That having been said, there were many positive achievements to be noted, not least of which was article 28 of the new Constitution endowing children with special new rights, enactment of new legislation for greater harmonization of domestic laws with the Convention, establishment of the National Programme of Action and Steering Committee, and NGO involvement in many bodies.

26. She asked how the authorities intended to tackle the many tasks enumerated in the sections of the report entitled "The way forward". She inquired what share of the national budget was allocated to children's issues, as the fact that they were financed partly by the Ministry and partly by the provinces might jeopardize coordination. She also wondered what was being done to win acceptance for the changes inherent in the harmonization of customary law with the Convention and to what extent the authorities participated in the work of the Human Rights Commission.

27. As the National Programme of Action did not cover children exclusively, what were its links with the Reconstruction and Development Programme (RDP)? Concerning the definition of the child, she was disturbed by the disparity between certain age limits, and the discrimination between girls and boys inherent in others. Particularly troubling was the fact that, in a country with such a background of violence, 16 was the minimum age for application for a weapon permit, although 21 was the age of majority. Was the type of weapon they could apply for defined? Moreover, if children aged 10-14 were not treated as criminally liable, why was 10, and not 14, the age of criminal liability?

28. Not all areas of discrimination were covered by the Constitution, as the Convention required. While acknowledging the difficulties encountered, she urged the authorities to focus on reducing the remaining socioeconomic disparities, particularly between urban and rural areas. She asked how the country evaluated society's awareness of the Convention. Now that changes in attitudes to children was a subject of law, were children aware that they must also respect the rights of others? She asked what role the media had played in the dissemination of the Convention. Indeed, the Committee had learned that some media coverage of child abuse cases in South Africa had been far from protective of the children concerned.

29. Mrs. TIGERSTEDT-TÄHTELA asked whether customary laws were applied locally or regionally, and whether there were any clear boundaries between them and domestic legislation. Could an individual apply customary law within the family and domestic legislation in another context? She also wished to know how local budgets operated and whether the provinces and local communities received funds from the State or whether they collected taxes directly. If they received State funds, she would like to know what allocation criteria were applied and whether

organizations and NGOs, might jeopardize its partnership with civil society. The latter should be involved not only in implementation, but also in the fundamental task of policy formulation and strategy development, from the outset.

31. Mrs. KARP said that, given the myriad conflicting interests facing South Africa in its efforts to implement the Convention, it was important to bring the right balance to policy formulation. For example, it was understandable that the country wished to strengthen its traditional laws, which had long been disparaged, yet some of those laws were deleterious to children. Similarly, in the aftermath of the apartheid regime, the country was striving to attain equality and non-discrimination, yet affirmative action on behalf of some children might have the effect of discriminating against others. Owing to past experiences some children had been forced to grow up too soon, and special efforts were needed to provide them with psychological treatment and a special quality of education for their rehabilitation and normal development. She asked whether any mechanisms existed for critical assessment of corrective programmes and whether the review of traditional and other laws included a built-in review mechanism with a time-frame for systematic analysis.

32. As the Convention on the Rights of the Child encompassed economic, social and cultural rights, did the authorities intend to ratify the International Covenant on Economic, Social and Cultural Rights? She asked whether there was a public campaign to change attitudes, with regard not only to the concept of children, but to their rights as human beings. Sadly, when society spoke of human rights it did not necessarily include children. The Supreme Court had made a point of emphasizing children's rights, especially with regard to corporal punishment. She asked whether a campaign was envisaged to impress upon the public that human rights and children's rights were a cornerstone of any new society.

33. Mr. RABAH said that the mosaic of 12 languages, plethora of religions and application of customary laws in South Africa made the dissemination of the Convention difficult. He wished to know whether the country's children were aware of the main principles of the Convention, whether the Convention was taught in the schools and whether it had been translated into the country's 12 languages. He asked whether cooperation took place between the Government and NGOs, especially black NGOs, what mechanism existed for such cooperation and whether NGOs had participated in the preparation of the report. Were the best interests of the child reflected in cases taken to court or reported to the administrative departments?

34. The CHAIRPERSON, speaking in a personal capacity, asked why the National Children's Rights Committee did not have a more independent role vis-à-vis the South African Human Rights Commission. He would also like to know whether there was a clear division of responsibilities between the Inter-Ministerial Core Group and the National Programme of Action Steering Committee.

36. He would also like more information on the Promotion of Equality and Prevention of Unfair Discrimination Bill soon to be approved by Parliament. In particular, he would like to know whether children under the age of 18 were entitled to institute proceedings in an equality court on their own behalf.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 p.m.

37. Mr. PAHAD (South Africa) said he agreed with Mrs. Ouedraogo that the most significant weakness of the report was its insufficient evaluation of the difficulties encountered in implementing children's rights in South Africa. He hoped to address that issue fully in writing to the Committee in the near future.

38. Responsibility for the relationship between traditional leaders and the Government had recently been transferred from the Ministry of Provincial Affairs and Local Government to the Deputy President, giving the issue a higher profile at national level. Many problems still needed to be resolved; for example, the demarcation board was currently drawing up the boundaries of constituency areas for local government elections, prompting objections from some traditional leaders.

39. Although no specific budget was allocated to children's issues, the need for such a budget was recognized and was currently under consideration. The Cabinet had ultimate responsibility for deciding the national budget. However, before its final decision was made, the budgetary requirements of different departments were examined by a committee of ministers to determine how successfully each department was assigning priority to resource allocations. The budgets of provincial and local governments were set by the Financial and Fiscal Commission, which was independent of the central authorities. However, it had recently been decided that the funds for local governments would be provided directly by the central Government, whereas in the past those funds had been distributed to local governments by the provincial governments. The Constitution did not allow provincial governments to impose taxation, although local governments gained some income from charging for certain services.

40. Regarding the role of the media, the Government did not impose restrictions on the private sector, even though that sector did not always show sufficient sensitivity in its programming and reporting related to children. The public broadcaster had its own board, which was responsible for ensuring standards and developing policy and had made significant improvements in dealing with children's issues in a positive way. Foreign programmes, a large number of which were broadcast in South Africa, did not fall within the competence of the South African authorities. Programmes were censored only if they were considered to be exceptionally harmful.

41. The Cabinet system had recently been reorganized to improve integration between the different ministries. Six Cabinet committees had been established, in which different ministers

42. Efforts had been made to ensure that the South African Constitution covered all the provisions of the Convention. However, if the Committee provided examples of provisions that were not covered by the Constitution, he would be happy to address them.

43. The Government's policy of combating racial and gender discrimination by means of affirmative action had encountered some opposition, mostly from privileged sectors of society who were most likely to be adversely affected by the policy. However, the Government considered positive discrimination in favour of previously disadvantaged groups to be one of the most effective ways of tackling the inequalities in South African society.

44. Ms. MKHWANAZI-XALUVA (South Africa), replying to a question by Mr. Rabah, said that the average 10-year-old in South Africa was probably not aware of the Convention or of the general principle of children's rights. A campaign was under way to initiate debate at the local community level on the rights of the child, which for many people was an alien concept. Civil society was involved in the campaign: the Government worked closely with the National Children's Rights Committee, which acted as an umbrella for NGOs and community-based organizations working with children. Such organizations were often in a better position than the Government to carry out campaigns at the grass-roots level. A national children's day had been instituted in November 1999 and had received extensive media coverage. It had represented a small but important step in the long process of raising awareness of the issue of children's rights, especially in rural areas.

45. Ms. SWEPAUL (South Africa) said that customary law had been marginalized in the past but was now enshrined in the Constitution. Legislation had been enacted allowing a court to take judicial notice of customary law, provided that it was not in conflict with the principles of public policy or natural justice. The South African Law Commission had begun an investigation into customary law and had produced a discussion paper addressing issues in that area. One of the most important points in the paper was that some customary laws could now be placed on the statute book. Other aspects of customary law were discriminatory; new laws could now be enacted to remedy such problems. The Commission's research included consultations with traditional leaders on the subject of customary law.

46. While acknowledging the discrepancies in the definition of the child in South African law, she pointed out that the minimum age for possession of a firearm or weapon was now 18 and not 16. As required by the Convention, the Constitution defined the child as a person under 18, which was the guiding principle for all reform legislation. The age of criminal responsibility was a topic of much discussion and the Law Commission had held an international conference on the subject. The setting of the age of criminal responsibility at 10 years old had been based on the conclusions of that conference. Discretion was to be exercised with regard to children aged between 10 and 14: the burden of proof of responsibility rested with the prosecution. However, she hoped that serious consideration would be given to the Committee's

programmes and others were being taken into account in the drafting of the juvenile justice bill. The cost implications of the bill had also been evaluated so as to encourage the allocation of resources for its implementation.

48. The principle of the best interests of the child, previously applied only in divorce cases referred to the courts, had been enshrined in the Constitution for the first time. With regard to sexual consent, she said that the Sexual Offences Act would shortly be rescinded and replaced by new legislation. The Government had signed the International Covenant on Economic, Social and Cultural Rights in 1994, and Parliament was in the process of ratifying it. Finally, pursuant to the new Domestic Violence Act, which had come into force in December 1999, a child could apply for a protection order without assistance.

49. Ms. KEMP (South Africa), referring to the promotion of children's rights in school curricula, said that the Curriculum 2005's Life Orientation learning area contained a specific human rights principle: to demonstrate value and respect for human rights as reflected in Ubuntu and other similar philosophies. Similar programmes were being developed under all eight learning areas of Curriculum 2005 at the primary education stage. Plans were also being made for the provision of training in middle and secondary schools.

50. Mrs. DAVIDS said that NGOs and civil society in general participated extensively in policy-making and were involved in the legislative process. Local government authorities also played a significant role in devising new programmes, the first of which should be launched by June 2000.

51. With regard to welfare, she said that a "Not For Profit" Act had been passed by the National Department of Welfare. In accordance with the Act, only the welfare organizations in existence for the longest period of time had to be registered. It was also important to recognize other community-based organizations and to provide them with funding so as to ensure that their voices were heard in the appropriate spheres.

52. Mrs. DE KLERK (South Africa) said that NGOs had participated very actively in the preparation of the initial report. A series of workshops had been held, in which parliamentarians and international organizations had taken part.

53. The CHAIRPERSON invited Committee members to ask follow-up questions on the first three groups of issues, followed by questions on civil rights and freedoms and family environment and alternative care.

54. Mrs. OUEDRAOGO noted the delegation's statement to the effect that budgetary funding was allocated to different provinces in accordance with certain criteria. If those criteria

communities as a matter of priority? The previous apartheid-era discrimination, which had existed in relation to housing, health and education, must be reversed for underprivileged areas if equality was to be established.

56. It had also been stated that no television censorship commission existed. She would like to know whether certain standards were nevertheless taken into account by the press, so that children's rights were not violated.

57. Concerning general measures of implementation, she noted that the South African Human Rights Commission included commissioners responsible for activities in individual provinces. However, there were appropriate staffing levels in only four of the nine national provinces. That being the case, how were children's rights taken into account in the remaining five provinces, especially in relation to the procedure for complaints by children? It had been stated that the Commission funded its own activities. However, the source of the funding was unclear: were there donor contributions in addition to government funds? It was clear from the replies that the Child Rights Committee of the South African Human Rights Commission was a coalition of NGOs, not funded by the Government. How was it represented at the local and provincial levels in relation to the coordination of promotion activities for children's programmes, and how did it cooperate with the South African Human Rights Commission and other ministries? In connection with funding, she asked whether the Government envisaged supporting the NGO initiative relating to the establishment of a budget devoted specifically to children's matters. If so, how would such a budget be established within the National Plan of Action?

58. Turning to the definition of the child, she said that the National Youth Commission Act defined young people as being between the ages of 16 and 35. Would that definition be changed in order to take account of young adolescents? If not, how would young adolescents' points of view be taken into consideration in the Commission's work? As for civil rights and freedoms, in particular respect for children's views, she asked what had been the results of the consultation process to gather the views of children on a proposed revision of the Child Care Act. Had discussions preceded any decisions taken? It had also been stated that some teachers refused to take account of children's opinions in schools and other institutions. What did the South African Government intend to do to change prevailing attitudes? Finally, did the Youth Commission help to prepare and implement the National Plan of Action for Children?

59. With regard to birth registration, reference had been made in the written reply to question 11 to mobile units designed to improve access to non-urban and rural areas. What was the frequency of the visits made by such units and, in that connection, was an information campaign planned regarding the need to register both births and deaths? Was there a need to decentralize and facilitate that process? She asked how children born out of wedlock were

disparities or de facto discrimination based on the places in which children lived. She asked what percentage of overall international cooperation assistance was allocated to children's programmes, and whether statistics on such programmes were available. Valuable lessons had been learned from evaluating the costs of legislation together with the impact of its enactment. She asked whether mechanisms existed for evaluating the implementation of legislative programmes.

61. With reference to the relationship between the media and the authorities, she suggested that South Africa should endeavour to include a media education programme in its school curriculum. With regard to affirmative action, had suitable programmes been designed to ascertain possible pitfalls and to reach the targets established? Such affirmative action raised delicate issues in relation to children in vulnerable groups, as budgetary allocations for the programmes in question might neglect the most vulnerable.

62. The delegation had stated that both NGOs and other community organizations existed in South Africa. The participation of such organizations in the implementation of the Convention was very important with a view to building a better society. Were those organizations offered support for capacity-building, to enable them to participate in policy-making and work for the best interests of children?

63. With regard to traditional practices, references had been made to male circumcision but nothing had been said about female genital mutilation. Was there a reason why girls had not been mentioned? Moreover, what programmes had been established to prevent discrimination against girls? Although the Marriage Act had been amended, polygamy and bigamy had not been prohibited. Had research been done into the effects of such marriages on children? If so, what had its findings been? The Government should be complimented on its efforts to prohibit corporal punishment in schools and juvenile justice institutions. However, it was particularly important that such punishment should be prohibited in families. If society wished to reduce the problem of violence, the necessary action must be taken at the earliest possible stage in the home.

64. The Truth and Reconciliation Commission had made a recommendation regarding police brutality, following the discovery that many deaths resulting from such brutality involved children between the ages of 13 and 21. Had anything been done to implement the recommendation in terms of rehabilitation and compensation for the victims?